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1 (9:47 a.m.)

2 **THE COURT:** Good morning, we're ready to continue our
3 jury trial. You may be seated. I see that counsel for the
4 Defendant have resumed the position on the side of the
5 courtroom where their screens are not visible to the gallery
6 and that would seem appropriate in light of some of the
7 additional testimony that I understand the Government will
8 offer this afternoon or later in the trial day.

9 Ms. McGuinn.

10 **MS. MCGUINN:** Yes, Your Honor, maybe later this
11 morning or early afternoon.

12 **THE COURT:** Okay. So this will make this less
13 conspicuous if we just stick with this approach. So thank you,
14 Counsel.

15 And, Ms. McGuinn, you will give notice to the clerk
16 through some subtle means so that we can make sure that we get
17 the big screen to the gallery closed off and screens that would
18 otherwise be visible to persons in the gallery blacked out,
19 correct?

20 **MS. MCGUINN:** Yes, Your Honor. We've have five
21 civilians and that will be a natural break to change some
22 things.

23 **THE COURT:** I didn't quite get that, what about
24 civilians?

25 **MS. MCGUINN:** I said we have five civilians witnesses.

1 THE COURT: Five non-law-enforcement witnesses?

2 MS. MCGUINN: Yes.

3 THE COURT: Okay.

4 MS. MCGUINN: And perhaps that would be a good time to
5 take a midmorning break and make those arrangements.

6 THE COURT: Very good. Now I'm stalling for time
7 slightly because I'm waiting for jury instructions to come
8 flying through that door to my right.

9 We'll have a set of jury instructions that the court
10 tentatively plans to deliver at the conclusion of the trial.
11 We'll distribute that to counsel for both sides here in just a
12 minute, together with a redline on what you had submitted
13 jointly to us in recent days showing the modifications that
14 I've made.

15 And then later today we will conduct a Rule 30 jury
16 instructions conference after counsel have had the opportunity
17 to take on board the proposed instructions that I've circulated
18 this morning. We'll discuss those. We'll see if counsel have
19 differences or objections with respect to what I'm proposing.

20 Of course, I'll consider any additional tendered
21 instructions from either side and then we'll put together the
22 final set.

23 Any questions about that process?

24 MS. MCGUINN: No, Your Honor.

25 MR. NIETO: No, Your Honor. Thank you.

1 THE COURT: Our witness lineup for this morning is?

2 MS. MCGUINN: Your Honor, the Government will be
3 calling Wallace Halpert, Will Godine, James --

4 THE COURT: One second.

5 MS. MCGUINN: Sorry, Your Honor.

6 THE COURT: I've got the first, second.

7 MS. MCGUINN: Will Godine.

8 THE COURT: Yeah. Next.

9 MS. MCGUINN: James Schloeder.

10 THE COURT: How do you spell that?

11 MS. MCGUINN: S-C-H-L-O-E-D-E-R.

12 THE COURT: Okay.

13 MS. MCGUINN: Charlotte Hoffberger.

14 THE COURT: Yep.

15 MR. PROCTOR: Riley Seelert.

16 THE COURT: S-E-E-L-E-R-T.

17 MS. MCGUINN: Yes, sir. And Agent Walker.

18 THE COURT: Well, it looks like the instructions are
19 not coming in with the speed that I had hoped. We'll bring the
20 jury in and get started and perhaps inconspicuously between
21 witnesses the clerk will just come to your tables and deliver
22 the proposed instructions.

23 MS. MCGUINN: Yes, Your Honor.

24 THE COURT: Bring the jury in.

25 THE CLERK: All rise for the jury.

1 (Jury enters at 9:53 a.m.)

2 **THE COURT:** Be seated, please. Good morning, ladies
3 and gentlemen. A few traffic challenges out there this
4 morning. I guess the pandemic is over and people are actually
5 driving to work or something, I'm not sure, but the roads were
6 full. But we've got everyone now. And we've also taken care
7 of some other logistical issues that needed some attention
8 outside of your hearing. So we've made good use of the time
9 even though we were a little bit delayed this morning.

10 But we're now ready to begin and the Government will call
11 their next witness.

12 **MS. MCGUINN:** Yes, Your Honor. The Government will
13 next call Wallace Halpert.

14 **THE COURT:** Wallace Halpert. Please come forward,
15 sir. Walk all the way up to this flagpole, stop there, turn to
16 your left, face our clerk, and raise your right hand.

17 (Witness sworn.)

18 **THE CLERK:** Thank you, sir. You may take a seat in
19 the witness box. And for the record, sir, speaking directly
20 into that microphone, can you please state and spell your first
21 and last name.

22 **THE WITNESS:** Wallace Halpert. W-A-L-L-A-C-E,
23 H-A-L-P-E-R-T.

24 **THE COURT:** Your witness, ma'am.

25 **DIRECT EXAMINATION**

1 BY MS. MCGUINN:

2 Q. Good morning, Mr. Halpert. Mr. Halpert, how old are you?

3 A. Twenty-three.

4 Q. What year were you born?

5 A. 2001.

6 Q. Are you currently employed?

7 A. No.

8 Q. Are you looking for a job?

9 A. Yes.

10 Q. When did you graduate college?

11 A. May of 2024.

12 Q. So a few months ago?

13 A. Yes.

14 Q. Where did you go to college?

15 A. Georgetown University.

16 Q. Did you play any sports in college?

17 A. I played lacrosse.

18 Q. Where did you grow up?

19 A. Towson, Maryland.

20 Q. Do you have older siblings?

21 A. Yes, two older brothers.

22 Q. What are their names?

23 A. Jack and Charlie.

24 Q. How much older than you is Jack?

25 A. He is five years.

1 Q. And Charlie?

2 A. Two and a half.

3 Q. Where did you attend school when you were growing up?

4 A. Gilman School.

5 Q. What grade did you start at Gilman?

6 A. Pre-first.

7 Q. Did your brothers, Jack and Charlie, attend Gilman as
8 well?

9 A. Yes.

10 Q. Did you continue at Gilman from pre-first through your
11 senior year?

12 A. Yes.

13 Q. What was your graduation year?

14 A. 2020.

15 Q. And in your graduating class, did you know a person by the
16 name of [REDACTED]?

17 A. Yes.

18 Q. When did you first meet him?

19 A. I would have met him when I was in pre-first.

20 Q. Was he always in your grade?

21 A. No.

22 Q. When did that happen?

23 A. In eighth grade.

24 Q. Do you know the Defendant, Christopher Bendann?

25 A. Yes.

1 Q. And when did you first come to know him?

2 A. When I was in lower school, probably around third grade.

3 Q. Around third grade?

4 A. Yeah.

5 Q. Why did you know him as early as third grade?

6 A. Because he taught my brothers.

7 Q. Are you aware of the Defendant ever babysitting or
8 house-sitting for families at Gilman?

9 A. Yes.

10 Q. Did he babysit and house-sit for your family?

11 A. Yes.

12 Q. How old do you think you were when he was first a
13 babysitter for your family?

14 A. I think around when I first met him when I was in third
15 grade.

16 Q. Third grade?

17 A. Yeah.

18 Q. And when he would babysit, would he come to your house?

19 A. Yes.

20 Q. Where were you living while you attended Gilman? What's
21 the address?

22 A. 1501 Malvern Avenue, Towson, Maryland.

23 Q. When he would babysit, would he stay over and sleep at
24 your house?

25 A. Yes.

1 Q. And in what room would he sleep in at your house?

2 A. The first couple times when I was younger he would stay in
3 my parents' room, and as I got older he would stay in our
4 guestroom.

5 Q. We heard a little bit about this before, but in your house
6 on the upper level is your parents' bedroom?

7 A. They're in the -- on the second floor.

8 Q. The second floor?

9 A. Yeah.

10 Q. And what other bedrooms are on the second floor?

11 A. My brother Charlie's room and then the guestroom.

12 Q. Is there a bathroom on that floor?

13 A. Yes.

14 Q. What about the third floor?

15 A. It's my brother Jack and myself's room.

16 Q. Okay. When you, yourself, got to middle school at Gilman,
17 did you have the Defendant as a teacher for you?

18 A. Not as a teacher, but he was my advisor.

19 Q. What does an advisor do?

20 A. You kind of meet once a week and he's kind of -- there's a
21 group of students that are one together and it's kind of just
22 like a place to meet people and be together.

23 Q. How many kids were in your advisory with the Defendant?

24 A. It was around three or four per grade so probably nine to
25 12.

1 Q. Was he your advisor in sixth, seventh, and eighth grade?

2 A. Yes.

3 Q. And in eighth grade, what other eighth graders were in
4 your advisory with you?

5 A. Avery Meyer, Jack Witherspoon, and [REDACTED].

6 Q. And [REDACTED], to be clear, is [REDACTED]?

7 A. Uh-huh.

8 Q. Same name. And if you can put yourself back into your
9 eighth grade, 14-year-old brain, how did you feel about the
10 Defendant being your advisor?

11 A. I remember when I was going into middle school I was
12 excited. I already knew him. He kind of -- he had a good
13 reputation. He was a young teacher.

14 Q. Young teacher. Was he fun?

15 A. Yeah.

16 Q. Was he funny?

17 A. Uh-huh.

18 Q. Did you socialize with the Defendant in middle school,
19 like doing things outside of the Gilman classrooms?

20 A. Yes.

21 Q. Can you describe what that entailed or what kinds of
22 things would occur?

23 A. He would sometimes, like, take a group of us out to dinner
24 or to a movie or something like that.

25 Q. Okay. Were you, while you were still in middle school,

1 were you connected to the Defendant by social media?

2 A. Yes.

3 Q. And what social media platforms did you use?

4 A. Snapchat and Instagram.

5 Q. And you, yourself, had Snapchat and Instagram?

6 A. Yes.

7 Q. Do you recall how old you were approximately when you
8 began to use social media?

9 A. I believe probably around sixth grade.

10 Q. Did you have a cell phone at that time?

11 A. I got one in sixth grade, if I remember.

12 Q. In sixth grade. And for you, was your Instagram account a
13 private one or public one?

14 A. Private.

15 Q. And was your Snapchat private or public?

16 A. Private.

17 Q. And did you have a social media relationship or friendship
18 with Christopher Bendann?

19 A. Yes.

20 Q. How often on Snapchat would you have contact with him?

21 A. It depended. I kind of would try to avoid it. I kind of
22 always thought it was a little weird.

23 Q. In middle school, when you first connected with him on
24 Snapchat, how often do you think it occurred?

25 A. I don't remember.

1 Q. Do you know what a streak is on Snapchat?

2 A. Yes.

3 Q. What is that?

4 A. It's when you exchange a Snapchat back and forth every day
5 and then you accumulate a streak.

6 Q. I'm sorry. I just want to make sure I heard you, a
7 cumulative streak?

8 A. Yeah, you accumulate a streak.

9 Q. Okay. Did you have a Snapchat streak with the Defendant?

10 A. I probably did at some point in time.

11 Q. It's not something you specifically recall right now?

12 A. No.

13 Q. Okay. Do you know if Snapchat has location data? In
14 other words, that you can see geographically where your friends
15 are located?

16 A. Yes.

17 Q. Do you know if you and the Defendant shared geographic
18 location with each other through Snapchat?

19 A. I think mine was on, I'm not sure if his was.

20 Q. When you say yours was on, you mean to just him or to all
21 of your friends?

22 A. All of my friends.

23 Q. Okay. Did you have access or know the Defendant's cell
24 phone number?

25 A. Yes.

1 Q. And did you text him in addition to Snapchat or
2 Instagram-type relationship?

3 A. Yes.

4 Q. You finished eighth grade in 2016?

5 A. Yes.

6 Q. I'm just doing 2021, plus four is 2016, right?

7 A. Yeah.

8 Q. When you went to high school, did you play any sports?

9 A. Yeah, I played volleyball and lacrosse.

10 Q. And volleyball is what season?

11 A. Fall season.

12 Q. What about lacrosse?

13 A. In the spring.

14 Q. Did [REDACTED] play any sports with you?

15 A. He played lacrosse with me.

16 Q. In high school?

17 A. Yes.

18 Q. Once you went up to high school, that's in a different
19 building than the middle school; is that fair?

20 A. Correct.

21 Q. And did you continue to socialize with the Defendant,
22 meaning going outside of Gilman, once you were into high
23 school?

24 A. Yes.

25 Q. And, again, can you describe what sorts of activities that

1 would entail?

2 A. Similar to when we were in middle school and then also if
3 he were to be staying at someone else's house, usually a group
4 of us would meet up there.

5 Q. Did you consider the Defendant your friend while you were
6 in high school?

7 A. Yes.

8 Q. How often would you talk to him while you were in high
9 school?

10 A. A good amount. It depended kind of when it was but a
11 decent amount.

12 Q. You mentioned that you guys would get together at
13 different houses, can you explain what you mean by that?

14 A. Yeah, he would house-sit for many of my friends and then
15 on the weekends we would -- normally a group of us would hang
16 out there.

17 Q. Typically, who would be in that group that you would hang
18 out with? Let's use your house as an example if he was
19 house-sitting or babysitting for you?

20 A. ████████████████████, Jack Stuzin, Tyler Witherspoon, Zack Otto.
21 There was kind of like a group of like 15, 20 of us that would
22 go and kind of just depended on the day.

23 Q. Was your group of friends from the class of 2020, were you
24 friends with the boys that were in the older grades than you?

25 A. Yes.

1 Q. The class of 2019, like James Schloeder?

2 A. Yes.

3 Q. Are you familiar with a restaurant called Bateman's?

4 A. Yes.

5 Q. And what occurred at Bateman's while you were in high
6 school?

7 A. A group of us on Monday nights would go to Bateman's
8 together.

9 Q. And tell me who was in that group?

10 A. I can't remember everyone exactly. I know kind of James
11 was -- he kind of ran it and Mr. Bendann would be there. Jack
12 Stuzin would go. [] would be there. And then a
13 couple more that I can't remember off the top of my head.

14 Q. What other adults would be there?

15 A. None.

16 Q. What about when you would all get together at house --
17 when the Defendant was house-sitting, were any other adults
18 present?

19 A. No.

20 Q. Would he remain at the home when you all got together and
21 hung out?

22 A. Yes.

23 Q. If I say the term to you "naked laps," do you know what
24 that means?

25 A. Yes.

1 Q. Can you describe what that means to you?

2 A. I don't remember when it was but there was always a story
3 about how Mr. Bendann drove a group of people --

4 MR. PROCTOR: Objection, Your Honor.

5 THE COURT: Private channel.

6 (Whereupon, the following conference was held at the
7 bench:)

8 THE COURT: Sounds like hearsay, Ms. McGuinn.

9 MS. MCGUINN: I'm sorry?

10 THE COURT: Sounds like hearsay.

11 MS. MCGUINN: Okay.

12 THE COURT: Sustained.

13 (Whereupon, the bench conference was concluded.)

14 THE COURT: Sustained. Next question.

15 BY MS. MCGUINN:

16 Q. Mr. Halpert, from your personal knowledge, do you know
17 what a naked lap is?

18 A. Like, just what it means, like. . .

19 Q. Did you ever participate in a naked lap?

20 A. No.

21 Q. Did you ever see a naked lap?

22 A. No.

23 Q. Okay. Did the Defendant babysit you while you were in
24 high school?

25 A. Yes.

1 Q. What other families do you know that he commonly would
2 babysit or house-sit for?

3 A. The [REDACTED], the Stuzins. Those are the two off the top
4 of my head.

5 Q. Would you all drink alcohol when you were together at your
6 house in high school or some of those other families in high
7 school?

8 A. Yes.

9 Q. Would your friends?

10 A. Yes.

11 Q. Did the Defendant drink alcohol with you?

12 A. Yes.

13 Q. Did he know about you all drinking alcohol?

14 A. Yes.

15 Q. When you would have friends over at your house during
16 those times the Defendant would babysit, where in your home
17 would you all hang out to drink or do whatever?

18 A. Mostly my basement and then sometimes in, like, my kitchen
19 area.

20 Q. I just want to make sure I heard you, the front kitchen
21 area?

22 A. Or just in the kitchen area.

23 Q. Kitchen area.

24 A. Yeah.

25 Q. Okay. Would the Defendant hang out with you?

1 A. Yes.

2 Q. Was James Schloeder present when you all would hang out?

3 A. Sometimes, yes.

4 Q. To your knowledge, did James Schloeder drink alcohol?

5 A. No.

6 Q. When your friends would drink, would they stay over at the
7 house while the Defendant was babysitting?

8 A. Some of them would.

9 Q. Where would they tend to sleep in your home?

10 A. They would sleep in either my room or my two brothers'
11 rooms.

12 Q. Do you know if the Defendant had any nicknames for [REDACTED]
13 [REDACTED]?

14 A. Yeah, he would call him [REDACTED].

15 Q. If you had to ballpark it, let's take just one year of
16 high school, freshman year or sophomore, just take one calendar
17 year, how often was the Defendant at your home do you think?

18 A. So he would stay at my house most weekends in the spring
19 as my oldest brother played lacrosse in college and my parents
20 would go to his games so that was probably, like, eight-ish
21 times each of those years in the spring.

22 Q. Okay. And in high school, your lacrosse games, are they
23 on weekdays or weekends?

24 A. I think it was Tuesdays and Fridays if I remember right.

25 Q. Okay. So would your parents attend those games during the

1 week?

2 A. Yes.

3 Q. And then they would go see your older brother on the
4 weekends?

5 A. Yes.

6 MS. MCGUINN: If we can have Government's 170.

7 BY MS. MCGUINN:

8 Q. Mr. Halpert, I'm directing your attention to Government's
9 170. If you can just take a minute, orient yourself and tell me
10 if you recognize this?

11 A. Yes.

12 Q. What is this? Who is this a text message between?

13 A. Myself and Mr. Bendann.

14 Q. When you look at it, what color bubble are you and what
15 color bubble is the Defendant?

16 A. I'm blue and he is gray.

17 Q. On February 11th, 2018, on the bottom half of that screen,
18 do you see that portion of the text message?

19 A. Yes.

20 Q. At 3:21 a.m. do you recall receiving a text saying "Hey,
21 come up here real quick"?

22 A. Yes.

23 Q. Was the Defendant in your home on that weekend?

24 A. I believe so, yes.

25 Q. And you responded, "Why?"

1 And he responded, "Nevermind. Well, maybe, [REDACTED] is
2 struggling."

3 What did you understand was happening here?

4 A. I kind of, in my mind, I thought he probably had too much
5 to drink and maybe was, like, throwing up or something.

6 Q. You can go to the next page.

7 And you responded, "What's up. Jesus."

8 Go to the last page, please.

9 Later that day at 2:21 p.m., you indicated you forgot your
10 money. Was that payment from your parents for staying that
11 weekend?

12 A. Yes.

13 Q. And in February of 2018, that's the spring of your
14 sophomore year of high school?

15 A. Correct.

16 Q. If it's 2018 in February, how old were you when this text
17 message exchange occurred?

18 A. Sixteen.

19 Q. Do you recall that weekend as you look at this text
20 message?

21 A. Not particularly, no.

22 Q. Do you recall if you had people over?

23 A. Probably. Not exactly, but yeah.

24 Q. Okay. We can go to Government's 171. If we can go to the
25 bottom half August 24th, please. Thank you.

1 I'm just going to have you orient yourself. Do you
2 recognize this text message?

3 A. Yeah.

4 Q. And it occurred on August 24th of 2018. Who is this text
5 message between?

6 A. Me and Mr. Bendann.

7 Q. And what sports season were you in in August of 2018?

8 A. Volleyball.

9 Q. And this is the beginning of your junior year now that
10 it's August of 2018?

11 A. Correct.

12 Q. And were you playing varsity or JV volleyball at that
13 point?

14 A. Varsity.

15 Q. You can exit out and zoom in, please. Thank you. If we
16 can scroll to the following page. If we could scroll to the
17 next page as well.

18 Do you recall the Defendant staying at your home that
19 weekend of August 24th, 25th and 26th of 2018?

20 A. Yes.

21 Q. Where were your parents?

22 A. They were at my mom's cousin's river house in Virginia.

23 Q. And do you recall having friends over that weekend?

24 A. Yes.

25 Q. Who was over if you can remember?

1 A. [REDACTED], Halden Ginsberg and a couple more people
2 that I don't remember.

3 Q. Were you drinking?

4 A. Yes.

5 Q. Was [REDACTED] drinking?

6 A. Yes.

7 Q. And do you recall anything specific occurring?

8 A. I remember [REDACTED] had a little too much to drink, and he
9 was escorted upstairs by Mr. Bendann.

10 Q. How long were the two of them gone?

11 A. I don't remember for certain but kind of remember in the
12 moment it feeling like a little too long.

13 Q. If I can flash forward, you then, after you graduated from
14 Gilman in 2020, you attended Georgetown University?

15 A. Yes.

16 Q. In the summer of 2022, did you attend a class in London
17 with [REDACTED]?

18 A. Yes.

19 Q. Where did you take a class in London?

20 A. The London School of Economics.

21 Q. Did you live with anyone while you were staying in London
22 for that class?

23 A. Yes.

24 Q. Who was that?

25 A. I lived with [REDACTED] and then five of his friends from

1 college.

2 Q. Okay. Directing your attention to January of 2023. Did
3 there come a time when you learned that Christopher Bendann was
4 no longer teaching at Gilman?

5 A. Yes.

6 Q. Do you recall how you learned that information?

7 A. Through just kind of through my friend and then Will
8 Godine, who also went to high school with me, I went to college
9 with as well, and we kind of both heard it at the same time and
10 talked about it.

11 Q. Okay.

12 MS. MCGUINN: Court's indulgence for a moment.

13 THE COURT: Yes.

14 MS. MCGUINN: Your Honor, I have no further questions
15 for Mr. Halpert.

16 THE COURT: Thank you. Cross-examination.

17 MR. PROCTOR: Can we have a moment, please, Judge.

18 THE COURT: Yes.

19 (Counsel conferring.)

20 CROSS-EXAMINATION

21 BY MR. PROCTOR:

22 Q. Good morning, sir.

23 So, ballpark, Mr. Bendann babysat you how many times?

24 A. Um --

25 THE COURT: Time period?

1 BY MR. PROCTOR:

2 Q. Yeah, well, from until you graduated high school.

3 THE COURT: From the beginning?

4 Q. From the beginning.

5 A. Probably 20 to 25, 30 times maybe.

6 Q. And that's -- and some of those were for more than a day,
7 right? Your parents would go out of on a Friday and not come
8 back until a Sunday sometimes?

9 A. Correct.

10 Q. So maybe 75, maybe 100 nights?

11 A. Sure.

12 Q. And he never touched you, did he?

13 A. No.

14 Q. He never filmed you in a surreptitious manner?

15 A. No, not that I'm aware of.

16 Q. Now, you testified that he friended you on social media
17 when you were still in middle school?

18 A. Correct.

19 Q. Do you have any of those messages still?

20 A. Not that I'm aware of. I haven't checked.

21 Q. You weren't aware that Mr. Bendann had a policy of no
22 communicating with kids while they were still in middle school?

23 A. That's not how I remember it.

24 Q. Well, he was babysitting you in middle school, right?

25 A. Correct.

1 Q. And I assume occasionally you would communicate about,
2 "Hey, it's 10:00, past your curfew," or whatever, right?

3 A. Uh-huh.

4 Q. Would some of those be by social media?

5 A. No, usually text.

6 Q. Now, I believe you already testified you're friends with
7 James Schloeder, right?

8 A. Correct.

9 Q. And you also testified that you learned in early 2023
10 about these allegations, fair to say?

11 A. Correct.

12 Q. You and Mr. Schloeder had a text message conversation
13 after that, didn't you?

14 A. Yeah.

15 Q. And Mr. Schloeder, he was interested in trying to find
16 anyone else we a case against Mr. Bendann, right?

17 A. I don't remember that exactly, no.

18 Q. Would it refresh your recollection to see the text
19 messages between you and him?

20 A. Sure.

21 MR. PROCTOR: Your Honor, may I approach the witness?

22 THE COURT: Yeah. Look at the document, once you're
23 finished looking at it, look up, Mr. Proctor will come back and
24 get it.

25 MR. PROCTOR: And it's two cites.

1 (Witness reading.)

2 MR. PROCTOR: May I once again approach, Judge?

3 THE COURT: Yes, please.

4 MR. PROCTOR: Thank you, sir.

5 BY MR. PROCTOR:

6 Q. Do you remember my question?

7 A. No, can you repeat it?

8 Q. Sure. Mr. Schloeder was very interested in finding anyone
9 else with a case against Mr. Bendann, wasn't he?

10 A. Yes.

11 Q. And he was reaching out to you and others because -- to
12 try and get people to assist in the prosecution?

13 A. That's one way you could say it, I guess.

14 Q. Okay. And you replied that he never did anything with me
15 or around me, right?

16 A. I did say that, yes.

17 Q. And you also said, "I never did a St. Paul's run," or
18 words to that effect?

19 A. Correct.

20 Q. And the reason you knew the term "St. Paul's run" is
21 everyone was talking about it, right?

22 A. Yes.

23 Q. Comparing stories?

24 A. I don't know what that means?

25 Q. Well, it was the topic of conversation between you and

1 your friends as to what they heard regarding Mr. Bendann?

2 A. I had heard that years before, like closer around when it
3 happened.

4 Q. Okay. And despite the fact he spent 75, 80 nights,
5 whatever it was we decided, you never participated in the run
6 at St. Paul's or anywhere else, right?

7 A. Correct.

8 Q. And Mr. Schloeder, he was leading the charge for this,
9 right?

10 A. I don't know if I'd say it that way.

11 Q. Well, he was in another group chat with you and all of
12 your friends where he's saying, "Hey, everybody come forward,
13 say what you got to say," right?

14 A. Yes.

15 Q. He's talking about how Mr. Bendann better not walk?

16 A. Yes.

17 Q. He's saying he's worried?

18 A. Yeah.

19 Q. He's saying he wants to put, and I think the exact quote
20 is "The sick fuck away," right?

21 A. Yes.

22 Q. Now, the testimony you just gave about -- was it
23 August 26, 2018?

24 A. Correct.

25 Q. When was the first time you told a member of law

1 enforcement that?

2 A. A couple months ago.

3 Q. Were they taking notes when you told them that?

4 A. I'm not sure. Probably.

5 Q. Well, who did you say it to?

6 A. The group sitting right there.

7 Q. You're pointing -- was it Ms. McGuinn?

8 A. Yes.

9 Q. Okay. Was there an agent there, too?

10 A. I'm not sure which one is an agent to be honest.

11 Q. Okay. Was Ms. Corn -- Agent Corn there?

12 A. Yes.

13 Q. Agent Walker there?

14 A. I don't believe so.

15 Q. Okay. And were they taking notes?

16 A. Probably. I assume so, yeah.

17 Q. Now, we're talking about something that happened six years
18 ago, right?

19 A. Correct.

20 Q. And he was in our house dozens of times?

21 A. Yes.

22 Q. And the first time you said it was a couple of months ago
23 to law enforcement?

24 A. Correct.

25 **MR. PROCTOR:** Can I have a second, please, Judge?

1 **THE COURT:** Yep.

2 (Counsel conferring.)

3 **MR. PROCTOR:** Your Honor, can we briefly go on a
4 private channel, please?

5 **THE COURT:** Yep.

6 (Whereupon, the following conference was held at the
7 bench:)

8 **THE COURT:** Ms. McGuinn, have you produced all of the
9 *Jencks* in the Rule 16 in relation to the August 26th incident
10 and any discussions that you or agents had with this witness,
11 Mr. Wallace Halpert?

12 **MS. MCGUINN:** Yes, Your Honor.

13 **THE COURT:** Mr. Proctor.

14 **MR. PROCTOR:** Your Honor, I just want to preserve the
15 issue. I have notes of interviews with his parents but I have
16 none with him.

17 **THE COURT:** Anything else, Ms. McGuinn?

18 **MS. MCGUINN:** No, Your Honor.

19 **THE COURT:** Thank you. Next question.

20 (Whereupon, the bench conference was concluded.)

21 **MR. PROCTOR:** Judge, we have nothing further with this
22 witness. Thank you, sir.

23 **THE COURT:** Redirect.

24 **REDIRECT EXAMINATION**

25 **BY MS. MCGUINN:**

1 Q. Mr. Halpert, you were asked about James Schloeder's text
2 asking all of you to come forward and put, the quote was, "the
3 sick fuck away."

4 Do you recall that question of you?

5 A. Yes.

6 Q. Have you, in turn, made up stories about the Defendant?

7 A. No.

8 Q. Did you try to make up stories to help this group here?

9 A. No.

10 Q. To help your friend, [REDACTED]?

11 A. No.

12 Q. And he was around you for 100 nights, so really easy could
13 have had access to you and you could have conjured a story if
14 you wanted to?

15 A. Yes.

16 Q. But instead you told the truth?

17 A. Correct.

18 MR. PROCTOR: Objection, Your Honor.

19 THE COURT: Don't lead. Sustained. Next question.

20 MS. MCGUINN: Thank you. Your Honor, I have no other
21 questions.

22 THE COURT: May the witness be excused, Ms. McGuinn?

23 MS. MCGUINN: Yes, Your Honor.

24 MR. PROCTOR: Yes, Your Honor.

25 THE COURT: Sir, you are excused, and you may depart.

1 **MS. HAGAN:** Next witness, Your Honor, is Will Godine.

2 **THE COURT:** Will Godine.

3 Please come forward, sir, all the way to flagpole. Once
4 you get there, stop, turn to your left, and face the clerk.

5 **THE CLERK:** Sir, please raise your right hand.

6 (Witness sworn.)

7 **THE CLERK:** Thank you, sir. You may take a seat in
8 the witness box. For the record, sir, speaking directly into
9 the microphone, can you please state and spell your first and
10 last name.

11 **THE WITNESS:** Sure. William Godine. W-I-L-L-I-A-M.
12 G-O-D-I-N-E.

13 **THE CLERK:** Thank you.

14 **THE COURT:** Your witness, ma'am.

15 **DIRECT EXAMINATION**

16 **BY MS. HAGAN:**

17 **Q.** Good morning, Mr. Godine.

18 **A.** Good morning.

19 **Q.** How old are you, sir?

20 **A.** I am 23.

21 **Q.** Are you currently employed or at school?

22 **A.** I am currently employed.

23 **Q.** What type of work do you do?

24 **A.** Investment banking.

25 **Q.** Where did you attend college?

1 A. Georgetown University.

2 Q. What year did you graduate?

3 A. Graduate undergrad in '23 and then did a master's
4 in '24th.

5 Q. Before attending college at Georgetown, where did you go
6 to school?

7 A. I went to Gilman high school.

8 Q. What year did you begin at Gilman high school or Gilman
9 School?

10 A. I think it was 2006, the fall of 2006, but first grade.

11 Q. What year did you graduate?

12 A. Spring of 2019.

13 Q. Do you have any siblings?

14 A. I do. I have an older brother and younger sister.

15 Q. And did your older brother attend the Gilman School?

16 A. He did.

17 Q. Did you play any sports at the Gilman School?

18 A. I did.

19 Q. And what sports did you play?

20 A. I played football and lacrosse.

21 Q. Did you attend Gilman School with [REDACTED]?

22 A. I did.

23 Q. Were you friends with [REDACTED]?

24 A. I was.

25 Q. Do you recall when you first met him and became friends

1 with [REDACTED]?

2 A. I do. I'm not sure of the exact year.

3 Q. Okay. Was it during kindergarten, lower school?

4 A. Lower school.

5 Q. And then remained friends with him through graduation?

6 A. Yes.

7 Q. Were you in the same grade as [REDACTED]?

8 A. We were for a little bit, and then there was a period in
9 middle school where he re-classed.

10 Q. And when he re-classed, what grade were you in and what
11 grade was [REDACTED] in?

12 A. I was in seventh grade. And I think he redid -- I moved
13 to eighth grade and he redid seventh grade.

14 Q. Both still at Gilman though at the time?

15 A. He went to Calvert School to do the re-class.

16 Q. When he came back, what grade were you in?

17 A. I was in ninth grade.

18 Q. And what grade was [REDACTED] in?

19 A. He was in eighth.

20 Q. Mr. Godine, do you know Christopher Bendann?

21 A. I do.

22 Q. How do you know Mr. Bendann?

23 A. He was my middle school teacher.

24 Q. And was he also your advisor?

25 A. He was not.

1 Q. How about your older brother that attended Gilman, do you
2 know whether or not Mr. Bendann was a teacher for your brother?

3 A. I don't think my brother had him as a teacher.

4 Q. In addition to having Mr. Bendann as a teacher, did you
5 know him any other ways?

6 A. I knew him before I got to middle school because my
7 brother was older than me, so I just knew about him, and then
8 once he was my teacher that was kind of the start of the
9 relationship.

10 Q. Okay. So through your brother and just other people you
11 knew about Mr. Bendann as a teacher?

12 A. Yes.

13 Q. What class was he your teacher?

14 A. So sixth grade, he was my geography teacher.

15 Q. Did there come a point in time where you began to know
16 Mr. Bendann outside of the Gilman School?

17 A. Yes.

18 Q. Can you tell us how that started?

19 A. That was probably the next year in seventh grade. That
20 just started pretty casually, would text us, go get dinner,
21 lunch, drive us around after school.

22 Q. And when you say get dinner and lunch, would that be just
23 with Mr. Bendann?

24 A. No. It was usually with a couple buddies as well.

25 Q. Was it always the same group of buddies or variation of

1 the group of friends?

2 A. It was a variation, but there was a pretty consistent core
3 group.

4 Q. Who do you recall being in that consistent core group?

5 A. Myself, Tyler Witherspoon, James Schloeder, [REDACTED].

6 Q. And how did you and your friends get to these meals,
7 whether it was lunch or dinner?

8 A. Usually he would drive.

9 Q. And by "he," do you mean Mr. Bendann?

10 A. I do.

11 Q. At these meals, were there any other adults present other
12 than Mr. Bendann?

13 A. No.

14 Q. How did you and Mr. Bendann communicate outside of school?
15 Whether it was to arrange getting together for meals or for
16 other reasons?

17 A. Early on it was just texts. And then it became through
18 Snapchat as well.

19 Q. When you say "early on," what's your best estimate as to
20 grade or year?

21 A. Seventh grade was probably when texting started.

22 Q. And you had your own cell phone at the time?

23 A. I did.

24 Q. So you were texting with Mr. Bendann on his cell phone?

25 A. Yes.

1 Q. Then you said at some point Snapchat entered the picture?

2 A. Yes.

3 Q. Approximately when did that occur?

4 A. Sometime between eighth and ninth grade.

5 Q. What's Snapchat?

6 A. It's an app on your mobile device where you can send a
7 picture of yourself or anything and add text to it. So it's a
8 form of texting but with a picture.

9 Q. And just based on your experience and use with Snapchat,
10 what age range of people use Snapchat?

11 A. Most of the time it was middle school and high school
12 students. It was a means of communicating socially.

13 Q. And you began Snapchatting with Mr. Bendann?

14 A. I did.

15 Q. Do you recall how that started?

16 A. Not 100 percent. Usually just add someone on Snapchat and
17 then send pictures back and forth.

18 Q. Did you participate in Snapchat streaks?

19 A. I did.

20 Q. Did you participate in any Snapchat streaks with
21 Mr. Bendann?

22 A. I did.

23 Q. How often would you say that you Snapchatted with
24 Mr. Bendann?

25 A. Daily.

1 Q. And what time of day would you receive Snapchat messages
2 from Mr. Bendann?

3 A. He would usually send a couple throughout the day, but his
4 response would pick up at night.

5 Q. And what types of messages would you receive over Snapchat
6 from Mr. Bendann during the day?

7 A. Usually just pictures of Gilman School or something funny
8 he was up to. Pretty casual.

9 Q. When you say things picked up at night, what do you mean?

10 A. He would respond quicker. So if you sent one, you would
11 get one back.

12 Q. How about the type of messages you would receive at night
13 from Mr. Bendann, can you describe those?

14 A. Yes. They would be of his face, and he would ask
15 questions about where I was and what I was doing at the time.

16 Q. Would it just be you and Mr. Bendann on these nighttime
17 messages that you're describing?

18 A. Yes.

19 Q. And what else would he ask you during the nighttime
20 Snapchat messages?

21 A. It would vary, but he would ask me, you know, if I had a
22 shirt on, if I was wearing pants.

23 Q. And did you respond to questions like that?

24 A. Yes.

25 Q. I'm going to direct your attention, Mr. Godine, to the

1 spring of 2018. Would you have been a junior at Gilman?

2 A. I would.

3 Q. Do you recall whether you were home during the spring
4 break of that year?

5 A. I was home.

6 Q. And how do you remember that?

7 A. I had mono and on the varsity lacrosse team you take a
8 spring break trip. That year they were going Charlottesville,
9 but I just got diagnosed with mono so I had to stay home.

10 Q. And all of your teammates went on the trip?

11 A. Every one of them.

12 Q. Did anyone else in your family go on the trip even though
13 you were sick?

14 A. My entire family went on the trip.

15 Q. Did anybody in your family stay home with you?

16 A. No one.

17 Q. Did your parents make any arrangements for someone to
18 check in with you over the weekend?

19 A. They did.

20 Q. Who was that?

21 A. Mr. Bendann.

22 Q. Do you recall whether or not Mr. Bendann was sleeping over
23 during that week or just checking in on you?

24 A. He was not sleeping over, just checking in.

25 Q. And when you say checking in, can you describe what that

1 means? Was it literally just a few minutes or longer?

2 A. Sure. I think my mom's intentions were, I was sick and
3 probably needed someone to come in and make sure I was doing
4 okay. Go get food. Bring me food. Just making sure I was
5 feeling all right.

6 Q. Okay. Was your older brother playing on the lacrosse
7 trip?

8 A. He was.

9 Q. That's why the rest of your family still went?

10 A. Yes.

11 Q. What, if anything, unusual occurred during this time
12 period when Mr. Bendann was at your house checking in?

13 A. There was one instance where I remember I went up to take
14 a shower, and when I got out of the shower he was waiting for
15 me in my room and said that he wanted to wrestle me.

16 Q. Specifically, where was he in your room?

17 A. He was laying on my bed.

18 Q. When you first went to go take a shower, do you recall
19 where he was?

20 A. I don't exactly remember.

21 Q. Was he in your room though?

22 A. I don't believe so.

23 Q. So you came out of the shower, I'm sorry, finish.

24 A. Yeah, I came out of the shower. He said, let's wrestle.

25 I said, no, because all I had on was just a towel. And he kind

1 of came at me in like an athletic position like he was going to
2 start wrestling me.

3 I tried to kind of push him away, and I remember he
4 grabbed onto my towel and starting yanking at hit.

5 And I said, "stop."

6 And he gave another really big yank and it ripped the
7 towel almost in half. I was holding the towel together so it
8 didn't come off. Had I not been holding it together, it would
9 have totally come off.

10 And I got pretty upset and kind of yelled at him. And
11 then he just kind of left the room after that.

12 Q. When you say you kind of yelled at him, do you recall what
13 you said?

14 A. I don't recall exactly what I said. I feel like
15 everything I said had a little bit of a laughing tone to kind
16 of ease the situation. But I remember using a pretty deep
17 voice and definitely with some intense volume to kind of let me
18 get dressed and let me get changed.

19 Q. Did you call out to anyone when it happened?

20 A. I did. I shouted for my brother Doug, just not
21 remembering that he wasn't there at the time.

22 Q. And after you reacted this way, what did Mr. Bendann do?

23 A. He got very quiet. And just left the room.

24 Q. You described that you were in a towel, regular
25 shower-size towel?

1 A. Yes, just one you wrap around your waist.

2 Q. Anything on underneath?

3 A. Nothing.

4 Q. How about Mr. Bendann, was he clothed?

5 A. Fully clothed.

6 Q. Did you tell anyone about what happened?

7 A. I did.

8 Q. Who did you tell?

9 A. I told my brother first. Then I told Tyler Witherspoon,
10 James Schloeder, [REDACTED], Jack Stuzin, probably a bunch
11 of other buddies that I encountered later that week.

12 Q. Mr. Godine, are you familiar with the term "naked run"?

13 A. I am.

14 Q. Did you ever participate in a naked run?

15 A. I did.

16 Q. How many times that you remember?

17 A. One time at St. Paul School.

18 Q. Do you recall what grade you were in?

19 A. Not exactly. It was some time between seventh and eighth
20 grade.

21 Q. Do you recall the season?

22 A. It was the fall.

23 Q. How did you get to the St. Paul School for this naked run?

24 A. We were in a car.

25 Q. Whose car was it?

1 A. Mr. Bendann's.

2 Q. Did he drive you there?

3 A. He did.

4 Q. Did he drive you and anyone else there?

5 A. Yeah, he did. There were other people there.

6 Q. Who do you remember being there?

7 A. Tyler Witherspoon and James Schloeder 100 percent were
8 there. And there was one other person who I'm not 100 percent
9 who it was, but I know Tyler and James were there.

10 Q. Do you what time of day or night it was?

11 A. It was at night.

12 Q. And whose idea or at whose direction did you run naked
13 around St. Paul's school?

14 A. It was Mr. Bendann's idea.

15 Q. Do you recall specifically what he said?

16 A. He said let's go do a naked run, let's streak St. Paul's
17 Hill. That would be fun.

18 Q. Do you recall where you were coming from?

19 A. Not exactly. A dinner. Somewhere.

20 Q. Did he do the run, too?

21 A. He did not.

22 Q. Tell us what happened when you arrived there in
23 Mr. Bendann's car with your friends?

24 A. He parked the car at the top of the St. Paul's hill, and
25 he said, "All right. Go streak the hill and come back up."

1 And it was kind of cold so we didn't really want to do it, but
2 he was pretty adamant that you had to go do it.

3 Q. How so? What do you mean?

4 A. He said, "Go streak the hill or I'm not driving you guys
5 back." So we did it.

6 Ran down. Holding our private parts so nothing was
7 showing. Left our clothes at the top of the hill. Ran maybe
8 halfway down the hill and kind of got spooked and came
9 sprinting back up.

10 And then everybody else got to go back in the car and put
11 their clothes back on, but he made me do a second lap or second
12 streak down the hill.

13 Q. Do you know why?

14 A. Not exactly. We were, I feel like, probably closer than
15 maybe some of the other guys that were there and seemed to be
16 harder on me and just kind of always, like, to poked fun of me.
17 I just kind of took it at that.

18 And I was, like, I guess I'll do it again.

19 Ran back down the hill and back up. And everyone was
20 waiting for me in the car so I jumped into the car as quick as
21 I could. Screamed for James Schloeder to throw me my clothes
22 back up.

23 I remember Mr. Bendann swatted the clothes -- he was
24 sitting in the driver's seat -- swatted the clothes away
25 because I was up in the shotgun seat. And it took me a little

1 bit longer to get my clothes back on.

2 Q. When you got back to the car after your second lap, were
3 your friends dressed?

4 A. They were dressed.

5 Q. You mentioned that when you were running the first lap
6 with your friends that you guys got spooked, what did you mean
7 by that?

8 A. I remember I was super worried at the time of somebody at
9 St. Paul's being there and seeing a Gilman School kid running
10 naked and calling Henry Smyth and Gilman getting expelled or
11 something. That was what was kind of running through my head.
12 And it was cold and dark. Yeah.

13 MS. HAGAN: Court's indulgence. Nothing further, Your
14 Honor. Thank you.

15 THE COURT: Cross.

16 CROSS-EXAMINATION

17 BY MR. PROCTOR:

18 Q. Good morning, sir.

19 A. Good morning.

20 Q. Who is or was Patrick Lenehan?

21 A. He was a friend of my brother.

22 Q. Okay. Your brother and him played basketball, right?

23 A. They did.

24 Q. And whoever lost had to run around naked, right?

25 A. That's true.

1 Q. And that's where the idea of the naked runs came from.

2 A. That's correct.

3 Q. And so Mr. Bendann was not there when Lenehan or your
4 brother streaked, was he?

5 A. I don't believe so.

6 Q. So that idea would not have come from him, would it?

7 A. Originally, no.

8 Q. So do you remember as you sit here today whose idea it was
9 initially to go on a naked run?

10 A. The streaking?

11 Q. Yes.

12 A. Yes, that was my brother's idea.

13 Q. Okay. Something your brother did back in the day with
14 some -- more than once?

15 A. No, that was the only time.

16 Q. Okay. And so your brother thought it was funny, right?

17 A. Yes. It was his friend running around with boxers on.

18 MR. PROCTOR: Can I have a second, please, Judge?

19 THE COURT: Yep.

20 MR. PROCTOR: I should have went that way. That's all
21 I have. Thank you.

22 THE COURT: Redirect.

23 REDIRECT EXAMINATION

24 BY MS. HAGAN:

25 Q. Mr. Godine, did I understand you correctly that you

1 indicated the one time that your brother previously did it with
2 his friends they were wearing boxers?

3 A. Patrick Lenehan was, yes.

4 Q. Was there a teacher present?

5 A. I don't believe so.

6 Q. Was there any adults that had directed your brother and
7 Patrick Lenehan to run naked?

8 A. No.

9 MS. HAGAN: Nothing further, Your Honor.

10 THE COURT: May the witness be excused?

11 MS. HAGAN: Yes.

12 MR. PROCTOR: Yes, sir.

13 THE COURT: You may be excused. You may depart.

14 Next.

15 MS. MCGUINN: Government will next call James
16 Schloeder.

17 THE COURT: James Schloeder. Please come forward,
18 sir, all the way up to this flagpole. Stop there, and turn to
19 your left, face our clerk.

20 THE CLERK: Please raise your right hand.

21 (Witness sworn.)

22 THE CLERK: Thank you, sir. You may take a seat in
23 the witness box. And, sir, speaking directly into that
24 microphone, can you please state and spell your first and last
25 name.

1 **THE WITNESS:** James Schloeder. J-A-M-E-S.
2 S-C-H-L-O-E-D-E-R.

3 **THE CLERK:** Thank you.

4 **THE COURT:** Your witness, ma'am.

5 **DIRECT EXAMINATION**

6 **BY MS. MCGUINN:**

7 **Q.** Good morning, Mr. Schloeder.

8 Mr. Schloeder, how old are you?

9 **A.** I'm 24.

10 **Q.** What year were you born?

11 **A.** 2000.

12 **Q.** Did you recently graduate from college?

13 **A.** Yes, ma'am.

14 **Q.** When was that?

15 **A.** The spring of 2023.

16 **Q.** Okay. Where did you graduate college from?

17 **A.** Rhodes College.

18 **Q.** Where is that located for those of us that don't know?

19 **A.** Memphis, Tennessee.

20 **Q.** And are you currently employed?

21 **A.** Yes.

22 **Q.** What type of work do you do?

23 **A.** I work for the University of Maryland's football team.

24 **Q.** Where did you grow up?

25 **A.** Baltimore.

1 Q. Prior to attending Rhodes College, where did you attend
2 school?

3 A. Gilman School.

4 Q. What grade did you start at Gilman?

5 A. Pre-first.

6 Q. Do any members of your family work at Gilman?

7 A. Yes, ma'am.

8 Q. Who is that?

9 A. My father.

10 Q. How is he employed at Gilman?

11 A. He teaches fifth grade.

12 Q. How long has he taught fifth grade there?

13 A. Thirty years.

14 Q. Are you aware of whether or not children of teachers get
15 any compensation in terms of their children being able to
16 attend Gilman for tuition?

17 A. Yes, ma'am.

18 Q. Is that how you were able to attend Gilman?

19 A. Yes, ma'am.

20 Q. Did you attend Gilman through middle school and high
21 school?

22 A. Yes.

23 Q. What year did you graduate?

24 A. 2019.

25 Q. Do you know a person named [REDACTED]?

1 A. I do.

2 Q. When did you meet him?

3 A. I would think pre-first or first grade. I'm not actually
4 sure which year he entered.

5 Q. As you sit here today, how would you describe your
6 relationship with him?

7 A. I would say [REDACTED] is one of my two best friends on the
8 planet.

9 Q. Is he like a brother to you?

10 A. Yes, ma'am.

11 Q. Are your families close?

12 A. Yes, ma'am.

13 Q. And how often would your family and the [REDACTED] family
14 socialize?

15 A. I mean, frequently. I think our dads see each other at
16 Gilman almost daily. I think our families are very, very
17 close.

18 Q. Did you play any sports when you were at Gilman?

19 A. Yes.

20 Q. What did you play?

21 A. I played football, basketball, ice hockey and lacrosse.

22 Q. Did that start in middle school or was that in high
23 school?

24 A. Yes, that started in middle school.

25 Q. Do you know a person by the name of Christopher Bendann,

1 the Defendant?

2 A. I will do.

3 Q. Do you recall when you first came to know him or meet him?

4 A. I think I've always kind of known him just because he was
5 a big Gilman figure and, you know, I also came from a big
6 Gilman family. So I think our families have always kind of
7 known each other. But I met Chris when I entered sixth grade
8 formally.

9 Q. Okay. And in sixth grade at middle school did you have
10 him actually as a teacher?

11 A. Yes, ma'am.

12 Q. What classes, if you recall?

13 A. He was my sixth grade geography teacher; my seventh grade
14 talk teacher; and then eighth grade ancient history teacher.

15 THE COURT: What topic in seventh grade?

16 A. Talk.

17 Q. Same. What's seventh grade?

18 A. Talk. It's kind -- I would just call it kind of like a
19 human development class, you know, middle school is a tough
20 time for kids so it's a class that Gilman offers to kind of
21 just talk about relevant topics for, you know, middle school
22 boys.

23 Q. You are saying talk, T-A-L-K, right?

24 A. Yes, ma'am.

25 Q. And that's the name of the class?

1 A. It wasn't well named, no, but yes.

2 (Laughter.)

3 Q. Fair enough.

4 Mr. Schloeder, was he your advisor?

5 A. No.

6 Q. Did the Defendant ever babysit or house-sit for you?

7 A. Yes, he did.

8 Q. And how often would that occur?

9 A. He only babysat me one time. But I was around him a lot
10 when he babysat other kids.

11 Q. Did you become social with the Defendant at some point in
12 your relationship?

13 A. Very, very close, yes.

14 Q. Would you consider him using your middle school, high
15 school, even college your friend?

16 A. Yes. Yes, very good friend.

17 Q. How often would you talk to him while you were in high
18 school and later on in college?

19 A. Well, we Snapchatted so I heard from him every day.

20 Q. And speaking of, when did you become a social media
21 person?

22 A. Like personally?

23 Q. Yeah, how old were you when you got social media?

24 A. Probably like sixth grade.

25 Q. And what social media applications did you use?

1 A. At that time?

2 Q. Yes.

3 A. Snapchat, Instagram mostly.

4 Q. Were your accounts private or public?

5 A. They were private.

6 Q. Were you connected to the Defendant Christopher Bendann on
7 social media?

8 A. After I graduated middle school, yes, we were friends on
9 all forms of social media.

10 Q. And just to make it clear, you mentioned Snapchat but
11 Instagram as well?

12 A. Yes, ma'am.

13 Q. And what about cell phone contact, did you have access to
14 his cell phone and he yours?

15 A. Yes, we had each other's numbers.

16 Q. Would you text each other?

17 A. Yes.

18 Q. As a form of communication?

19 A. Yes.

20 Q. And are you familiar with something in Snapchat called
21 streaks?

22 A. Yes, ma'am.

23 Q. Would you engage in Snapchat streaks with the Defendant
24 Christopher Bendann?

25 A. Yes.

1 Q. When you were in middle school, did you socialize with the
2 Defendant?

3 A. I think in middle school it was more teacher kind of
4 student; but, yes, I did see him a lot. He was a teacher I had
5 all three years. So, yes. I would say yes, we did socialize
6 during my middle school years.

7 Q. What about high school, did you ever socialize outside of
8 the Gilman buildings?

9 A. Yes.

10 Q. Can you describe what that meant?

11 A. You know, I would hang out with Chris all the time whether
12 it's dinner, movies, you know, house-sitting. You know, we
13 hung out a great bit once I got to high school.

14 Q. And when that social media aspect came in, you mentioned
15 you communicated with him almost daily on Snapchat; is that
16 correct?

17 A. Yes.

18 Q. And at any point did you receive any unusual text
19 messages, or excuse me, Snap messages from him?

20 A. Yes.

21 Q. Can you describe that?

22 A. Sometimes he would send me Snapchats that were a little
23 bit suggestive in nature.

24 Q. And can you tell me what you mean by that?

25 A. Just, you know, like asking if I was wearing pants or a

1 shirt.

2 Q. And would you respond to that?

3 A. I would respond with a picture of my face or disregard his
4 comments, but I would never engage in his questions.

5 Q. Okay. With regard to [REDACTED], did you all start
6 middle school together?

7 A. Yes.

8 Q. Did there come a time when that changed?

9 A. Yes.

10 Q. What changed if you remember?

11 A. He left Gilman after his seventh grade year.

12 Q. Do you know where he went?

13 A. Calvert school.

14 Q. And when he returned, what grade were you in?

15 A. I was a freshman when he returned as an eighth-grader.

16 Q. As an eighth-grader, okay. As his friend, did you notice
17 any differences in his behavior?

18 A. Differences? I mean, it's kind of hard to tell just
19 because we weren't in the same building anymore. Just because,
20 you know, I was in high school. But socially I think it was an
21 immensely difficult time for him just because he was -- the
22 kids he grew up with were now in high school and not in his
23 grade anymore. And then the kids he was now going to school
24 with, you know, we knew, we were friends with, but it wasn't
25 quite the same as the guys he had been going to school with for

1 almost 10 years.

2 Q. So middle school and high school, not the same footing?

3 A. Yeah.

4 Q. Once [REDACTED] started high school, did you get to
5 play lacrosse with him?

6 A. I did.

7 Q. Did you continue to have these social gatherings with the
8 Defendant in high school?

9 A. Yes.

10 Q. I think you mentioned this, what types of things did you
11 do with him in high school?

12 A. Well, when it was one on one, you know, we would get
13 dinner, we'd go to the movies, just hang out. You know, as I
14 said, he was a really good friend of mine. But then there
15 would also be times when he would be house-sitting three houses
16 or babysitting some of us, especially in the younger years when
17 we couldn't drive or really live on our own if our parents were
18 going away. So he would host kind of gatherings where kids
19 would, you know, be able to drink, do drugs, hang out with
20 girls, whatever you may want to do when your parents aren't
21 around.

22 Q. And you, yourself, were you a person who drank alcohol in
23 high school?

24 A. No, I did not.

25 Q. Are you familiar with the term "naked lap"?

1 A. Yes, ma'am.

2 Q. What does that mean to you, sir?

3 A. That means going to a park or St. Paul's school and just,
4 you know, taking your clothes off and running a lap around the
5 vicinity naked.

6 Q. Did you ever do that?

7 A. Yes, ma'am.

8 Q. Stone cold sober?

9 A. Yes.

10 Q. Can you describe when that occurred, if you remember?

11 A. I would say freshman year is when that really started.

12 Q. Your freshman year?

13 A. Yes, ma'am.

14 Q. And do you recall who was present when you did a naked
15 lap?

16 A. You know, I think we participated in a couple, and the
17 group of guys might change, but I know always every time I did
18 it Chris was there, [REDACTED] was there, I was there. And then you
19 can mix in a couple different guys, like, you know, Tyler
20 Witherspoon, Jack Stuzin. You know, it was our friend group
21 and who you were with on a specific Friday night changed.

22 Q. And you just said the name Chris, I just want to make sure
23 we're clear, who is Chris?

24 A. That's Christopher Bendann.

25 Q. Did you ever see Will Godine do a naked lap?

1 A. Not that I can recall.

2 Q. Okay. How many do you think you participated in?

3 A. I think I probably participated in at least two.

4 Q. And where did they, I think you said this, but those two
5 that you did, do you remember where they occurred?

6 A. Both at Meadowood. But I was present for one at St.
7 Paul's where I did not participate. Only [REDACTED] did.

8 Q. So there were two times at Meadowood and one time at St.
9 Paul. And you're saying [REDACTED] was the only one that
10 did it?

11 A. The one at St. Paul's?

12 Q. Yes.

13 A. During Shoot Out For Soldiers, yes.

14 Q. For those of us who don't know, what is Shoot Out For
15 Soldiers?

16 A. It's a lacrosse charity event where it's like a continuous
17 24-hour lacrosse game to raise money for wounded veterans.

18 Q. Is that something that the Gilman lacrosse team did or
19 your club team?

20 A. It was a club event. So, you know, some club teams from
21 the area. All ages might participate.

22 Q. And the one that you were just mentioning occurred at St.
23 Paul's while doing Shoot Out For Soldiers, how old were you
24 when that occurred, do you think?

25 A. That also had to have been freshman year.

1 Q. Your freshman year?

2 A. Yes, ma'am.

3 Q. So eighth grade year?

4 A. Yes, ma'am.

5 Q. What month or time of year is Shoot Out For Soldiers
6 typically?

7 A. It's a summer event.

8 Q. Do you recall if the Defendant had any nicknames for
9 [REDACTED]?

10 A. Yes.

11 Q. What were those?

12 A. [REDACTED], [REDACTED], [REDACTED]. There were a few nicknames there.

13 Q. When did you graduate from Gilman?

14 A. The spring of 2019.

15 Q. And then that's when you attended Rhodes right after that?

16 A. Yes, ma'am.

17 Q. During your college years, did you stay in touch with the
18 Defendant, Christopher Bendann?

19 A. Yes, very closely.

20 Q. Would you see him when you came home for breaks from
21 college?

22 A. All of the time.

23 Q. Where would you go when you would come home on breaks?

24 A. Like with him?

25 Q. Yeah.

1 A. Kind of the same thing from high school: The movies,
2 dinner, his house, places he was house-sitting. Just all over.

3 Q. Do you know when [REDACTED] graduated from Gilman?

4 A. Yeah, he graduated in the spring of 2020.

5 Q. And do you know if he attended college?

6 A. He did.

7 Q. Where did he go?

8 A. He went to [REDACTED].

9 Q. Were you ever in contact or, excuse me, were you ever
10 contacted by the Defendant regarding [REDACTED] during your
11 college years?

12 A. Frequently.

13 Q. And what was the nature of that contact?

14 A. Aggressive.

15 Q. What do you mean by that?

16 A. I think it started off just kind of questioning like
17 where's [REDACTED]. I think Chris knew that I was --

18 MR. NIETO: Objection, Your Honor.

19 THE COURT: Sustained. Next question.

20 BY MS. MCGUINN:

21 Q. How much contact did you have with [REDACTED] while
22 you were in college?

23 A. I talked to him every day.

24 Q. Was the Defendant aware of and you [REDACTED] being
25 best friends?

1 A. Yes, he was very aware of that.

2 Q. If we can pull up Government's 211.

3 Mr. Schloeder, have you had an opportunity to see this
4 before?

5 A. Yes, ma'am.

6 Q. What is this?

7 A. It's a picture of me and [REDACTED] at my favorite restaurant,
8 Italian Gardens.

9 Q. And if we can just scroll down one page.

10 Do you recognize this document as a particular text?

11 A. Yes. This looks like a text chain between me, [REDACTED] and
12 Chris.

13 Q. Okay. Were there times in this document where the
14 Defendant was contacting you to try to find or locate [REDACTED]?

15 A. Frequently, yes.

16 Q. If we can scroll to Page 100. If we can go down another
17 page, please. I'm sorry. One more down.

18 Do you recognize, if you can just orient yourself to this.
19 Who is texting in the gray box and who is texting in the blue
20 box?

21 A. Looks like Chris is texting in the gray box, and I'm
22 texting in the blue box.

23 Q. And in the gray box, there's a reference, starting at the
24 top.

25 "Didn't that happen at Shoot Out? Is [REDACTED] even alive?

1 Guess he's dead, winded from running those hills at St.
2 Paul's."

3 Do you recall receiving, as you look at these text
4 messages in April of 2022?

5 A. I do recall that, yes.

6 Q. Is this the nature of what you were talking about when he
7 would contact you to figure out where [REDACTED] was?

8 A. I think this is kind of way of a lesser extent. I think,
9 you know, it could start off like that. But if [REDACTED] really
10 wasn't answering him it could get way more aggressive than
11 this.

12 Q. Okay. Do you recall animal puzzles when I say that phrase
13 to you?

14 A. Yes, ma'am. I do recall that.

15 Q. What are animal puzzles?

16 A. He would send me zoomed-in pictures of what I thought to
17 be were animals and would ask me to guess what animals those
18 were.

19 Q. And would he send that to you and to [REDACTED]?

20 A. Yes, ma'am. Same group chat.

21 Q. How often would you be asked about [REDACTED]
22 whereabouts?

23 A. His whereabouts?

24 Q. Yes.

25 A. Honestly, I think I'd get a text every couple days. Every

1 day or two he'd ask if I've heard from [REDACTED]. And obviously my
2 answer was always yes, which I think then made him angry.

3 Q. Okay. If we can go to Page 86.

4 Mr. Schloeder, looking at the blue boxes, did you have any
5 nickname or names that you called Mr. Bendann?

6 A. Yes.

7 Q. And do you see that here?

8 A. Yes.

9 Q. What is that?

10 A. We referred to him as Panda.

11 Q. Who did that?

12 A. I think many people did.

13 Q. And why was that a nickname?

14 A. He was just a large, Asian man.

15 Q. Go ahead. I'm sorry. Go ahead and finish.

16 A. Yeah, I mean, I don't think that's probably a name that
17 we'd be proud of saying at 24. But, I mean, I think it's also
18 a nickname that he kind of adopted. So I don't think there's
19 anything malicious about it. I think it was more, like,
20 friendly.

21 Q. Is this something you would say to his face, like in this
22 text message?

23 A. Upon occasion.

24 Q. Okay. Do you recall seeing the Defendant over your
25 Christmas break of December of 2022?

A. I saw him every break so I can't at this moment recall what happened over that break specifically. But I know I saw him every time I was home.

Q. Okay. Did there come a time in January of 2023 when you learn about the Defendant's teaching status at Gilman?

A. Yes.

Q. And how did you learn that information?

A. I think it was just kind of going around town.

Mr. Bendann was a pretty prominent figure. So, you know, once he got fired, that was something that was going to spread amongst our friend group that was heavily involved in Gilman.

Q. Okay. Did there come a point in time when you learned that the more serious allegations concerned your best friend, [REDACTED]?

A. Yes.

Q. Do you remember if he was fired in January of 2023, how long afterwards did you know that information?

A. I would say I probably came to know the extent of what had happened about a month after he was fired from Gilman.

Q. Okay. And how did that make you feel?

A. Not good.

Q. Can you elaborate?

A. You know, I think I was crushed to learn. I think whenever Chris was being weird, I think our mindset amongst everybody was --

1 **MR. NIETO:** Objection, Your Honor.

2 **THE COURT:** Sustained. Start over. Next question.

3 **BY MS. MCGUINN:**

4 **Q.** Mr. Schloeder, what was your mindset?

5 **A.** My mindset on --

6 **Q.** You had started to say that some of those weird texts,
7 what was your mindset about those?

8 **A.** Oh, I mean, I was devastated. I was crushed. Not only
9 did I feel betrayed by what I thought was one of my good friend
10 Chris, but he -- also to find out that your best friend had
11 been sexually assaulted by someone you both trusted. It was
12 absolutely devastating. It's something I wouldn't wish on
13 anyone.

14 **Q.** Are you still angry?

15 **A.** Every single day.

16 **MS. MCGUINN:** Your Honor, I have no other questions
17 for this witness.

18 **THE COURT:** Cross-examination.

19 **CROSS-EXAMINATION**

20 **BY MR. NIETO:**

21 **Q.** Mr. Schloeder, the text that the Government had showed you
22 in Government's Exhibit 211, do you remember seeing those?

23 **A.** Which text were those?

24 **Q.** This exhibit, do you remember this?

25 **A.** Yes.

1 Q. Now, the time frame of these text messages are all after
2 you've graduated high school, right?

3 A. Yes.

4 Q. That continues into I guess the end of 2022?

5 A. Yes.

6 Q. And so you have talked about these texts with the
7 Government, haven't you?

8 A. Yes.

9 Q. You talked about the problematic text in which you refer
10 to Mr. Bendann as Panda man, do you remember that?

11 A. Yes.

12 Q. When was the last time you spoke to the Government about
13 that text?

14 A. A couple weeks ago.

15 Q. And I think you had said on direct that that hasn't aged
16 well?

17 A. Yes.

18 Q. That was in -- that was in 2022, right?

19 A. Yes.

20 Q. So two years ago?

21 A. Yes.

22 Q. You were in college at that point?

23 A. Yes.

24 Q. Graduated high school?

25 A. Yes.

1 Q. Now, you had a nickname for Mr. Bendann, right?

2 A. Yes.

3 Q. And he had a nickname for you?

4 A. I'm sure, yeah. He called me Jimmy.

5 Q. Jimmy, right. And that was pretty common amongst your
6 friends' circle; is that fair?

7 A. Yes.

8 Q. Everybody had nicknames for everybody, correct?

9 A. I suppose.

10 Q. He called you Schloe, right?

11 A. Yeah.

12 Q. You Witherspoon, he called him Spoon?

13 A. Yes.

14 Q. Godes?

15 A. That's another one.

16 Q. Stu or Stuz, that would be for Mr. Stuzin, right?

17 A. Yes.

18 Q. Okay. Now, Mr. Bendann had a rule about not having social
19 media contact while they were a student of his; is that
20 correct?

21 A. While we were in the middle school, yes.

22 Q. Right. Okay. So after middle school then social media
23 contact was appropriate but before that it was not, right?

24 A. Yes, sir.

25 Q. And you also said obviously, you weren't asked today, but

1 in meeting with the Government, right, no one was being forced
2 to run naked, right? Everybody thought it was funny?

3 A. Potentially. But I think there's an underlying power
4 dynamic that I'm not sure you're addressing.

5 Q. All right. So when you met with Special Agent Walker and
6 Special Agent Corn back in May of 2024, do you remember when
7 they asked you about this?

8 A. Do I remember that meeting?

9 Q. Do you remember that meeting, sir?

10 A. Yes.

11 Q. Do you remember them asking you about naked runs?

12 A. Yes.

13 Q. Do you remember telling them, you did not feel like they
14 had to run naked, you thought it was hilarious to run naked.
15 Do you remember saying that?

16 A. Um, yes.

17 Q. Okay. Now, as part of that, obviously there was
18 photographs that were taken, right? And not just by
19 Mr. Bendann, right? I mean, you guys would take pictures of
20 each other when you were naked?

21 A. Of me and my friends?

22 Q. Yes, sir.

23 A. Yes.

24 Q. Right. And, in fact, you had turned over your phone to
25 the Government as part of their investigation in this case. Do

1 you remember doing that?

2 A. I did do that.

3 Q. Right. And on your phone in the camera reel were just
4 photo and photo of your friends in various stages of undress.
5 Do you remember those?

6 A. Yes.

7 Q. Right. And some of those had been posted on Snap, not by
8 Mr. Bendann but the members of your friends' circle, right?

9 A. Yes.

10 Q. And you kept those photos because they were funny?

11 A. Um, sure.

12 Q. Right. Did you think they were not funny?

13 A. They were just memories that we had, sir.

14 Q. Okay. So a way to memorialize your friends being naked,
15 right.

16 A. If you want to put it that way.

17 Q. Well, were they wearing clothes in those photos, sir?

18 A. I don't recall the photos you're talking about at the
19 moment.

20 Q. Do you remember having naked photos of your friends on
21 your phone?

22 A. Yes.

23 Q. Okay. All right. Again, you had testified with regards
24 to a text message from Mr. Bendann where he was asking if you
25 were wearing a shirt or pants, do you remember that?

1 A. Yes.

2 Q. And that, of course, that wasn't out of the blue, that was
3 in response to a text that you had sent previously, right?

4 A. No.

5 Q. It was just out of the blue?

6 A. Yes.

7 Q. Can just, "Hey, Jimmy, are you wearing a shirt or pants?"

8 A. Every time.

9 Q. It was in no relation to any photos that you had posted?

10 A. Not once.

11 Q. All right. And Mr. Bendann had tried to hide the fact
12 that he was gay. Do you remember that, sir?

13 A. Yes.

14 Q. But you figured it out once you got older, right?

15 A. I think it became pretty clear as we developed.

16 Q. Right. He would talk about having a friend maybe every
17 once in a while but that was the extent of it, right?

18 A. Of what he shared with us, yes.

19 Q. All right. And of course, through your experiences and at
20 Gilman and also in college, having graduated from Gilman,
21 right, you've heard the word "gay" being used in a negative
22 way, right?

23 A. I'm sure, yes.

24 Q. You, yourself, have used it before, right?

25 A. I'm sure I've used gay before, yes.

1 Q. In text messages and referring to something as just being
2 gay as a negative? "Yes" or "no"? Do you remember?

3 A. I think I have done that, yes.

4 Q. Right. And, equally, other people in your text thread,
5 you know, graduates from Gilman just like you using similar
6 language, right, in a derogatory fashion?

7 MS. MCGUINN: Objection.

8 THE COURT: Basis?

9 MS. MCGUINN: As to what other people are texting or
10 saying.

11 THE COURT: Well, if he knows. Overruled.

12 Do you know?

13 THE WITNESS: What's the question?

14 BY MR. NIETO:

15 Q. Sure. In the text thread, well, let's do it this way.

16 You have group chats with your friends via text?

17 A. Yes.

18 Q. Right. Many of whom graduated from Gilman?

19 A. Yes.

20 Q. Right. Many of whom would use the words "gay" or "fag" in
21 a derogatory fashion?

22 A. I think they used it in a way that's not -- I think the
23 word -- that word "fag" in today's context is different than a
24 derogatory term for being gay. Truthfully. I think it's more
25 synonymous with loser, in my humble opinion.

1 Q. I see. I see. So when one of your friends would text the
2 word "fag," you thought that's just another word for calling
3 someone a loser?

4 A. I think the context matters, but yeah, I could see that
5 being something.

6 Q. All right. You understand what the word "fag" means
7 though, right?

8 A. I do.

9 Q. You understand what the word "gay" means, right?

10 A. I do.

11 Q. And you assigning another sort of meaning to it, you still
12 understand that though, right?

13 A. I'm not sure I did it as much as culturally it's just a
14 little bit different.

15 Q. Oh, okay. So you use "gay" and "fag" openly amongst your
16 friends and colleagues?

17 A. I think I have in the past.

18 Q. Do you use it at work, sir?

19 A. Pardon?

20 Q. Do you use it at work, sir?

21 A. No.

22 Q. You wouldn't use that at work?

23 A. No.

24 Q. You work at the University of Maryland football program?

25 A. Yes, sir.

1 Q. Right. And I'm sure the word "loser" has come up a few
2 times in your employ there?

3 A. I'm sure.

4 Q. Right. And so rather than say "loser," you just say "fag"
5 or "gay"?

6 A. No.

7 Q. Right. You don't because you know that's not appropriate,
8 right?

9 A. Yes.

10 Q. Now, obviously with [REDACTED] being one of the two
11 closest people to you on the planet, with him being like a
12 brother, you've taken an interest in what's going on here; is
13 that fair?

14 A. Um, yes.

15 Q. You were in communication with his father, [REDACTED],
16 in the beginning stages of this investigation, weren't you?

17 A. Yes.

18 Q. You had organized a group chat through Gilman alumni to
19 help generate more information to be provided to law
20 enforcement, right?

21 A. Yes.

22 Q. You would be listening to what people were saying or
23 telling you about the case and sharing that information with
24 others, right?

25 A. Yes.

1 Q. You would start not only individual chats with certain
2 friends but also group chats in which this was a topic of
3 conversation, right?

4 A. Yes.

5 Q. And how it was very important to you, very important to
6 you, that Mr. Bendann be punished; is that fair?

7 A. I thought it was very important for the truth to be out
8 there.

9 Q. So you weren't focused on punishment in any way? You just
10 wanted the truth, is that what you're saying, sir?

11 A. And I think we all want the truth. And if the truth means
12 someone should be punished, I think that's very fair.

13 Q. So when you say "We gotta bury this sick fuck," are you
14 referencing justice or punishment there?

15 A. I guess in that moment I was referencing punishment after
16 I learned what he had done.

17 Q. Absolutely, right? Absolutely. Because during the time
18 in which you are in high school, right, you didn't say to
19 anyone that Mr. Bendann was acting inappropriately, did you?

20 A. No.

21 Q. You didn't know of any of these allegations involving your
22 brother, one of two people closest to you on the planet, did
23 you?

24 A. I did not.

25 Q. Right. Things came to light once everybody was in

1 college, right?

2 A. Yes.

3 Q. Right. And you had received texts, right, involving
4 Mr. Bendann getting upset when he's not able to reach
5 [REDACTED], do you remember those?

6 A. I remember those.

7 Q. You didn't get those texts when you guys were in high
8 school, you got those once you got into college, right?

9 A. I think part of that would be that [REDACTED] was in Baltimore
10 still during high school.

11 Q. So that's a "no" then? You didn't get texted by
12 Mr. Bendann as to where [REDACTED] was or where he was located
13 in high school, did you? No, right?

14 A. I can't say that for sure.

15 Q. Have you provided to the Government any text, any
16 information, anything, to support that, yes, Mr. Bendann was
17 curious as to [REDACTED] location in high school and so he
18 reached out to you?

19 A. Not during high school, I don't believe.

20 Q. Right. So circling back to the first question I asked
21 then. So these texts were things that happened when you were
22 in college outside of high school?

23 A. Those specific texts, yes. But I think the behavior could
24 have started in high school --

25 Q. Sir, I'm not asking you about the behavior. I'm asking

1 you about the texts, right? Do you understand that?

2 A. I do understand that.

3 Q. So you were obviously motivated, right, once you saw these
4 post-high-school texts, to help your friend?

5 A. I saw court documents, sir.

6 Q. Right. So you were motivated to help your friend, right?

7 A. Yes.

8 Q. Absolutely, right. And that makes perfect sense, wouldn't
9 you agree?

10 A. I would hope so.

11 Q. As a matter of fact, on some of the text message threads,
12 right, they referred to you as like the gatekeeper because you
13 were providing information and keeping information with regards
14 to what was going on. Do you remember that?

15 A. Yes.

16 Q. And so this group chat that you had sent out to Gilman,
17 right, that was to drum-up some support for your friend and the
18 allegations that you just learned about, right?

19 A. Yes.

20 Q. And you had said, "Obviously the more people who come
21 forward, there's no doubt he's going to rot in jail," do you
22 remember saying that, sir?

23 A. I don't remember saying that, but I do not deny that I
24 would have said that.

25 Q. So you know a gentleman by the name of Jack Stuzin?

1 A. I do.

2 Q. And he's one of your friends from Gilman as well, right?

3 A. Yes.

4 Q. And you guys would text in regards to this investigation;
5 is that fair?

6 A. Yes, sir.

7 Q. Court's indulgence, if I may.

8 In those text conversations, right, you guys talk about
9 how you're on the same team. Do you remember that?

10 A. Yes.

11 Q. And then there's some questions about suing the school.
12 Do you remember those, sir?

13 A. I do, yeah.

14 Q. You had expressed some interest in suing the school
15 yourself. Do you remember that?

16 A. In that moment when I was upset I did say that, but no
17 longer maintain the same sentiment.

18 Q. So you don't feel Gilman should be held responsible for
19 what happened to your best friend during high school?

20 A. I'm not sure I'm qualified, in the right mental capacity
21 to answer that question.

22 Q. I'm so sorry, sir, it was just in response to the
23 statement you gave?

24 A. And --

25 Q. -- which is you believed it at one time, now you're not so

1 sure, right?

2 A. Immediately following all of this stuff coming out, I sent
3 a text when I was angry, but now that I'm since more
4 levelheaded, I'm now telling you that I'm not sure whether
5 Gilman is responsible.

6 Q. All right. But if someone else were to initiate, I don't
7 know, legal proceedings against the school, would you jump in
8 on that?

9 A. I don't know. There's a lot to consider.

10 Q. Because you had indicated in your text with Mr. Stuzin
11 that if your friend, [REDACTED], were to sue the school you might do
12 the same thing, right?

13 A. I might.

14 Q. You said you may go after some damages if the price is
15 right. Do you remember texting that, sir?

16 A. I do.

17 Q. And you had said 20 to 30,000 in hush money would sit
18 pretty, do you remember saying that to Mr. Stuzin?

19 A. I said that?

20 Q. Do you remember saying that, sir?

21 A. I don't recall saying that. But, again, I don't deny that
22 I may have said something along those lines when I was upset.

23 Q. All right. Well, would looking at something help refresh
24 your recollection as to exactly what you said to Mr. Stuzin?

25 A. Yes.

1 Q. All right.

2 MR. NIETO: Your Honor, it's been previously marked as
3 Defense Exhibit 5 only for identification purposes if I may
4 approach?

5 THE COURT: You may. When you're finished looking at
6 the document just look up.

7 (Witness reading.)

8 THE COURT: Don't say anything. Just tell me that
9 you're finished. Okay. Recover the document.

10 Ask your question, Mr. Nieto.

11 MR. NIETO: Thank you.

12 BY MR. NIETO:

13 Q. Sir, so do you remember texting Mr. Stuzin about how 20 to
14 30,000 in hush money would sit pretty?

15 A. Yes, sir.

16 Q. In fact, right after that, right, Mr. Stuzin suggested you
17 could sue the school and get, if you recall, quote, "A fuck
18 ton," end quote. Do you remember him saying that, sir?

19 A. Yes.

20 Q. But he didn't want to do that to Gilman, do you remember
21 him saying that?

22 A. Yes.

23 Q. And your response was, "Facts," indicating you agreed with
24 that, right?

25 A. Yes.

1 Q. You didn't want to do that to Gilman?

2 A. I think neither one of us wanted to do that to Gilman.

3 Q. Right. So, again, sir, you didn't want to do that to
4 Gilman, did you?

5 A. In that moment, no.

6 Q. And in today's moment --

7 A. Undecided.

8 Q. All right. And in the same text thread you talk about
9 having conversations with your friend's father, [REDACTED],
10 regarding the case, right?

11 A. Yes, sir.

12 Q. And you tell Mr. Stuzin to delete messages. Do you
13 remember telling that to him?

14 A. I don't, but again, I'm sure I may have said that. I
15 don't deny that that would be something that I would have said.
16 I just don't recall the message off the top of my head.

17 Q. Obviously, as we had discussed, you are -- you hear
18 things, right? You see things. You are trying to help as best
19 you can, right?

20 A. Yes.

21 Q. People talk to you about a variety of other things like,
22 you know, garnering information and trying to funnel it into
23 the right direction, right?

24 A. I think that's accurate, yes.

25 Q. But you were concerned in February of last year, right,

1 and in many of your text conversations with your friends from
2 Gilman you talked about how you needed more people, right? We
3 need other people, do you remember talking about that?

4 A. Yes.

5 Q. And in that relation, right, we need other people, you
6 then say to Mr. Stuzin, "You may just need to say, you got
7 got." Do you remember saying that, sir?

8 A. Yeah.

9 Q. And by that, meaning you need to say that something bad
10 happened to you at the hands of Mr. Bendann?

11 A. Yeah.

12 Q. Do you remember saying that? And then you say, "Just tell
13 the courts he tied you up like a starfish." Do you remember
14 saying that, sir?

15 A. Yeah, that was a joke.

16 Q. That was a joke?

17 A. Yes.

18 However, that was prompted by Stuzin telling me that he
19 did believe something may have happened to him at the hands of
20 Christopher Bendann. I wouldn't have just suggested that out
21 of left field --

22 **THE COURT:** Stop there. Wait for the next question.

23 **BY MS. MCGUINN:**

24 Q. In this text conversation, right, you text Mr. Stuzin, "We
25 need other people."

1 And he responds, "Yeah."

2 And then your response is, "You may just need to say you
3 got got."

4 And then you follow it up with, "Just tell the courts he
5 tied you up like a starfish."

6 That's the joke?

7 A. The joke was the second part. The truth was he had told
8 me he believed something might have happened to him. I said,
9 "If you think that's true, you might need to come forward with
10 your story."

11 Q. I see. So it had nothing to do with what happened
12 thereafter where Mr. Stuzin says, you know, "They're reading
13 this right now brother," right, in relation to the fact that
14 these text messages would be unearthed. Do you remember
15 getting that text immediately thereafter?

16 A. I also believed that was a joke. I don't think any of us
17 thought these text messages would ever be unearthed.

18 Q. I see. You never thought these text messages would be
19 unearthed, did you?

20 A. No.

21 Q. In addition to the Stuzin conversation, you also had
22 conversations with Wallace Halpert, you know him, right?

23 A. Very well.

24 Q. And then again in that text thread, you're worried that
25 there wasn't enough evidence?

1 A. That was a concern of mine, yes.

2 Q. And you had even said in that, right, "It's not enough for
3 a life sentence." Do you remember texting that, sir?

4 A. Yes.

5 Q. Importantly, though, in this conversation with
6 Mr. Halpert, you're trying to generate evidence against
7 Mr. Bendann, right?

8 A. I'm not sure. I'm not looking at the conversation.

9 Q. Okay. All right. Well, you're asking Mr. Halpert if
10 Mr. Bendann ever did anything around him, do you remember that?

11 A. Yes, I do remember that.

12 Q. And you even say, "It's crazy that he never did anything
13 weird to you or around you," do you remember that?

14 A. Yes.

15 Q. And you're like, "Damn," that was your text response to
16 that?

17 A. Yes.

18 Q. Okay. Thank you.

19 MR. NIETO: Nothing further, Your Honor.

20 THE COURT: Redirect.

21 MS. MCGUINN: Yes, just very briefly, Your Honor.

22 THE COURT: I'm sorry, ma'am?

23 MS. MCGUINN: Very briefly, Your Honor.

24 THE COURT: Yes.

25 REDIRECT EXAMINATION

1 BY MS. MCGUINN:

2 Q. Mr. Schloeder, all of those text messages that refreshed
3 your recollection and you were asked about, those were in
4 February of 2023; is that correct?

5 A. Yes.

6 Q. In the aftermath of you learning what had happened to your
7 best friend?

8 A. Yes, ma'am.

9 Q. How would you describe your temperament at that time?

10 A. I think we were just absolutely gutted. We were
11 destroyed. You know, I think that was probably the first time
12 that a lot of us had really --

13 MR. NIETO: Objection, Your Honor.

14 BY MS. MCGUINN:

15 Q. I think just answer from your perspective, the first time
16 for you --

17 THE COURT: Sustained. Confine it to your own
18 reaction.

19 Q. Confine it to yourself.

20 A. Personally, I know that was the first time that I really
21 went through immense, emotional hardship. And I don't know if
22 that's something anyone ever of any age is really prepared to
23 hear that your best friend had been sexually assaulted by
24 someone who you also considered a good friend. And then also
25 kind of being a middleman in the sense that Mr. Bendann built

1 trust with me so I think that [REDACTED] would also further trust
2 him.

3 So I think that came from a place where I was so
4 emotionally destroyed from the whole situation. From every
5 aspect of my friend's assault, losing a mentor in Bendann where
6 I thought was my mentor but turns out he was a monster, and my
7 part in the whole situation. I think that's where a lot of
8 those emotional-ridden text messages stemmed from.

9 Q. Why were you, in February of 2023, in constant contact
10 with [REDACTED]?

11 A. I was talking to [REDACTED] pretty consistently because I
12 was in the unique position to where I was really close with him
13 and [REDACTED], and I think that was a time when not everyone knew
14 what was going on. And I was [REDACTED] best shot at trying
15 to understand what the public knew and what they didn't know.
16 And so I would try to keep him informed about what was going
17 around; what people knew, what people didn't know. So he could
18 try to best handle this horrific situation as a parent.

19 Q. Thank you. And counsel asked you how about your
20 then-friend Christopher Bendann hiding that he was gay. Do you
21 recall that question?

22 A. I do recall that question, yeah.

23 Q. And you answered that there came a point later on that you
24 started to understand that, he mentioned having a friend. Do
25 you recall that?

1 A. I do.

2 Q. And that occurred in college or high school?

3 A. I would say college is when that really -- I mean,
4 nobody -- I don't recall it. It's like this big ah-ha moment,
5 oh, Bendann is gay. Like, we all knew that, subconsciously,
6 for a while that he was gay and nobody cared. He was still one
7 of our closest buddies. We still hung out with him all of the
8 time.

9 Q. In fact, you hung out with him as you said every break,
10 and up until the moment January 2023 happened you would have
11 hung out with him all of the time?

12 A. All of the time.

13 MS. MCGUINN: I have no other questions, Your Honor.

14 THE COURT: May the witness be excused?

15 MS. MCGUINN: Yes, Your Honor.

16 MR. NIETO: Yes, Your Honor.

17 THE COURT: You're excused and you may depart.

18 Ladies and gentlemen, we'll take the morning recess.

19 During the recess, do not discuss the case with anyone. Do not
20 discuss the case even among yourselves. Do not allow
21 yourselves to be exposed to any news articles or reports that
22 touch about the case or the issues that it presents, or any
23 articles or reports that relate to any of the participants in
24 the case. Avoid all contact with any of the participants in
25 the trial. Do not make any independent investigation of the

1 law or the facts of the case. Do not look up anything relating
2 to the case or its participants on the internet. Do not
3 consult an encyclopedia or a dictionary.

4 Fifteen minutes, until 11:45. Take the jury out.

5 **THE CLERK:** All rise for the jury.

6 (Jury exits at 11:29 a.m.)

7 **THE COURT:** Be seated, please. The jury has left the
8 courtroom. The record will reflect that court staff have now
9 distributed to counsel on both sides the court's proposed jury
10 instructions together with the redline that I referred to
11 earlier. Please review this submission and be prepared for our
12 Rule 30 conference most likely occurring later today.

13 Also, Counsel, we will need to take our luncheon recess on
14 a firm schedule this afternoon between 12:55 and 2:05 or 2:10,
15 as I must attend a meeting during that time period.

16 Recess until 11:45.

17 **THE CLERK:** All rise. This Honorable Court now stands
18 in recess.

19 (A recess was taken from 11:31 a.m. to 11:58 a.m.)

20 **THE COURT:** Are we ready for the jury, Ms. McGuinn?

21 **MS. MCGUINN:** Yes, Your Honor.

22 **THE COURT:** Mr. Nieto?

23 **MR. NIETO:** Your Honor, very briefly, if I may just
24 have a moment?

25 (Counsel conferring.)

1 **THE COURT:** Yep. Be seated, please.

2 Are we ready?

3 **MS. MCGUINN:** Yes, Your Honor.

4 **THE COURT:** Bring the jury.

5 (Jury enters at 11:59.)

6 **THE COURT:** Be seated, please. You may call your next
7 witness.

8 **MS. HAGAN:** Next witness, Your Honor, is Charlotte
9 Hoffberger.

10 **THE COURT:** Charlotte Hoffberger. Please come
11 forward, ma'am, all the way up here to the flagpole, and stop
12 there. You can turn to your left, and face our clerk. Raise
13 your right hand.

14 (Witness sworn.)

15 **THE CLERK:** Thank you. You may take a seat in the
16 witness box. Ma'am, speaking directly into that microphone,
17 can you please state and spell your first and last name,
18 please.

19 **THE WITNESS:** Charlotte Hoffberger.

20 C-H-A-R-L-O-T-T-E. H-O-F-F-B-E-R-G-E-R.

21 **THE COURT:** Your witness, ma'am.

22 **MS. HAGAN:** Thank you.

23 **DIRECT EXAMINATION**

24 **BY MS. HAGAN:**

25 **Q.** Good afternoon, Ms. Hoffberger.

1 How old are you?

2 A. Twenty-three.

3 Q. Are you in school or employed?

4 A. I'm employed.

5 Q. Can you tell us what type of work you do?

6 A. I work at a political consulting firm in Washington, D.C.

7 Q. And where did you attend college?

8 A. I went to Bucknell University.

9 Q. And what year did you graduate from Bucknell University?

10 A. May of 2023.

11 Q. Where are you originally from?

12 A. Baltimore.

13 Q. Before going to college at Bucknell University, where did
14 you attend school?

15 A. Bryn Mawr.

16 Q. What is Bryn Mawr?

17 A. It's the all-girls sister school of Gilman.

18 Q. What year did you graduate from Bryn Mawr?

19 A. 2019.

20 Q. Where is Bryn Mawr located in relation to the Gilman
21 School?

22 A. Across the bridge, I forget the street name. Melrose?

23 Q. Is it across the street from Gilman?

24 A. Yes.

25 Q. What grade did you start at Bryn Mawr?

1 A. I started at Bryn Mawr in preschool.

2 Q. And did you continue through graduation at Bryn Mawr,
3 twelfth grade?

4 A. Yes.

5 Q. What year did you graduate from Bryn Mawr?

6 A. 2019.

7 Q. As a student of all those years at Bryn Mawr, did you have
8 occasions to become friends with boy students from the Gilman
9 School.

10 A. Yes.

11 Q. Can you explain how that would happen?

12 A. I guess starting in middle school there were mixers with
13 other schools, too, but with Gilman and in high school starting
14 in junior year you could have classes at Gilman or boys could
15 have classes at Bryn Mawr so . . .

16 Q. Did you take some classes at Gilman?

17 A. Yes.

18 Q. Do you remember what years you took classes at Gilman?

19 A. Junior and senior year.

20 Q. And from those experiences, did you become friends with a
21 certain group of students at Gilman?

22 A. Yeah. Not really through those classes, I was friends
23 with them before junior year.

24 Q. Okay. And tell us how did you become friends with a
25 certain group of students at Gilman?

1 A. I mean, some of them I was friends with from early in
2 middle school just overlapping with school or going to the same
3 pool. Things like that. Mutual friends.

4 Q. Okay.

5 A. Then going into high school, the boys that I was already
6 friends with and I kind of became friends with their friends as
7 well.

8 Q. Who would you say were your closest boy friends from
9 Gilman. Boy friends, not boyfriends?

10 A. Definitely James and Tyler were two of my best friends
11 since in middle school.

12 Q. Is that James Schloeder?

13 A. James Schloeder, yeah.

14 Q. And Tyler?

15 A. Witherspoon.

16 Q. Witherspoon. Okay. Anyone else?

17 A. Yeah, I mean, [REDACTED] was always one of my good friends.
18 There's a lot more. I don't know if I --

19 Q. From these connections, did you come to know an individual
20 named Christopher Bendann?

21 A. Yes.

22 Q. How did you know Mr. Bendann?

23 A. Just through being friends with the guys. And then I
24 started going to -- we called it wing night, a group dinner
25 every Monday.

1 Q. Okay.

2 A. So I would start going to that. And Mr. Bendann was there
3 and part of that every time so --

4 Q. Where did wing night take place?

5 A. Well, at first it was at Bateman's but then it closed. So
6 we kind of would go to different places. Like, we went to
7 Cooper's sometimes or Mount Washington Tavern. Just different
8 places in the area.

9 Q. And how often was wing night?

10 A. It was every Monday. But it kind of dwindled down my
11 senior year, we didn't go as much.

12 Q. Okay.

13 A. But when we could try to get people to actually go we'd
14 all go. But always on a Monday.

15 Q. And what grade did that start or what year going to wing
16 night?

17 A. I think I started going, like, end of my freshman year,
18 sophomore year.

19 Q. And at these dinners, was Mr. Bendann the only adult?

20 A. Yes.

21 Q. I'm going to show you Government's Exhibit 61.

22 Do you recognize the picture that is within Government's
23 Exhibit 61?

24 A. Yes.

25 Q. And what is in that?

1 A. It's me and [REDACTED] and Luke Unger who went to Gilman. He
2 was in my grade.

3 Q. Luke is the person on the left in the Penn sweatshirt?

4 A. Yes.

5 Q. And you're in the center?

6 A. Uh-huh.

7 Q. I want to show you Government's Exhibit 190.

8 Do you recognize the area depicted in Government's
9 Exhibit 190?

10 A. Yes.

11 Q. And what is it?

12 A. A parking lot that had Five Guys and McDonald's I think
13 was next to it, on York Road.

14 Q. Okay. I'm going to ask you to keep your voice up.

15 A. I'm sorry.

16 Q. And speak into the microphone so I can hear you way back
17 here.

18 Can you just repeat the area depicted?

19 A. Yes. York Road, Five Guys, and McDonald's parking lot
20 near Kenilworth.

21 Q. What town is it located around, or what area generally?

22 A. I'm really bad at that. But it's near, like, you go past
23 the Kenilworth. I don't know, it's in that area.

24 Q. Okay.

25 A. There's a --

1 Q. Is it Towson, Timonium area?

2 A. Timonium? Towson? One of them.

3 Q. Have you been there before?

4 A. Yes.

5 Q. While a student at Bryn Mawr?

6 A. Yes.

7 Q. And for what reason would you frequent the area depicted
8 in Government's Exhibit 190?

9 A. To get food usually.

10 Q. And how often would you say, as a student at Bryn Mawr,
11 you would go to one of the establishments here in this area?

12 A. I mean, somewhat frequently. I -- like, a lot of my
13 friends liked to eat there. We would go after a party or -- I
14 don't know. Whenever.

15 Q. I'm going to direct your attention to your junior year at
16 Bryn Mawr, would that have been 2017 to 2018?

17 A. Yes.

18 Q. Did you ever see Mr. Bendann in the area depicted in
19 Government's Exhibit 190?

20 A. Yes.

21 Q. Can you tell us about that, please?

22 A. Yeah. There was a time that I went to Five Guys with
23 James and Tyler and my friend, Virginia. And we saw
24 Mr. Bendann's car in the parking lot of the Five Guys, like in
25 the -- we pulled in, like, in one of the first spaces near the

1 restaurant. And then he was parked kind of in the back corner,
2 yeah.

3 Q. Can I ask you what time of day approximately?

4 A. I don't remember exactly. I think that it was dark
5 because I know that we just thought it was really weird that it
6 was, like, there was no lights and that they were in the corner
7 and that it was dark and -- yeah.

8 Q. If you could use your finger and touch the screen and show
9 us where you recall seeing Mr. Bendann's vehicle parked?

10 A. I'm trying -- if you go in -- I think -- I can't remember
11 which parking lot --

12 Q. Are you touching the screen right now?

13 A. It was like in the corner or one of those corners. I
14 can't exactly remember which, if we were at the McDonald's or
15 the Five Guys. I think it was the Five Guys.

16 Q. Okay. I'm sorry, I'm looking at two red dots. Am I
17 looking at the right location? Can you make them a little bit
18 bigger?

19 A. Yeah, so, it would be in the back area (indicating).

20 THE COURT: You have to really touch it firmly and
21 kind of make a circle.

22 THE WITNESS: (Witness complies.)

23 BY MS. HAGAN:

24 Q. There you go. So it was either that corner or did you
25 indicate --

1 A. Or -- I forget -- but then I know that we would have been,
2 like, we pulled in and kind of like on one of those
3 (indicating).

4 Q. So the Five Guys there is labeled. What is the other
5 establishment that's below Five Guys in that exhibit?

6 A. I think it's McDonald's.

7 Q. And you indicated that you were with James, is that
8 Schloeder?

9 A. Yes.

10 Q. And Tyler Witherspoon?

11 A. Witherspoon, yes.

12 Q. And a female friend of yours?

13 A. Yeah, my best friend.

14 Q. And did you notice the car when you first pulled in or
15 after some time passed? When did you notice Mr. Bendann's car?

16 A. I'm not exactly sure when we noticed it. I know we
17 noticed it when we were in the car so either when we first
18 pulled in or when we were getting out to go into the
19 restaurant.

20 Q. Okay. Were there many other cars parked in the parking
21 lot?

22 A. No.

23 Q. Tell us what happened next?

24 A. We went in and I remember, like, there wasn't necessarily
25 a reason for us to think it was weird, but we thought it was

1 because we had been with [REDACTED] and Mr. Bendann earlier and they
2 hadn't -- like, we said that we were going to go do something
3 and they had both said they were, like, I don't remember
4 exactly what they were doing. But I remember we thought it was
5 weird because they had said they were doing things separately
6 and then that they were there together.

7 I just remember that we thought it was strange that we had
8 texted one of them, and then they came inside. We didn't go up
9 to the car. We just went into the restaurant, and then they
10 came in after they knew we had seen them.

11 Q. Do you remember what type of car that Mr. Bendann drove
12 that you recognized?

13 A. It was the CRV, like, silver.

14 Q. And you said that you had seen Mr. Bendann and [REDACTED]
15 earlier in the night?

16 A. Yeah.

17 Q. Do you remember where you had seen them?

18 A. No, I think we were just, like, all together doing
19 something. I mean, there's -- most nights at least some of us
20 were together doing something or other --

21 Q. Okay.

22 A. -- so I don't know exactly what it was but . . .

23 Q. And you mentioned there was text chat, was that about
24 plans to go to Five Guys or McDonald's? Or which chat are you
25 talking about?

1 A. No. I just -- when we got there I know that one of us had
2 texted one of them.

3 Q. Okay.

4 A. I don't think -- it wasn't me. It was one of the boys I
5 think.

6 Q. Do you recall whether or not there was a response?

7 A. I don't know if there was a text response. I just know
8 then they came inside.

9 Q. When you say "came inside," came inside where?

10 A. Into the restaurant.

11 Q. And did you speak to Mr. Bendann when he came into the
12 restaurant?

13 A. Yeah. Like, they came over to us and, like, we all -- I
14 can't remember, like, exactly, like, what then we did. But,
15 like I said, we were together a lot. So, like, the details of
16 what we were doing is kind of like -- wasn't as memorable. I
17 just remember the parked lot thing being weird, and we were
18 confused as to why they hadn't said anything.

19 Q. Okay. Did you ever attend any get-togethers or house
20 parties at residences where Mr. Bendann was present?

21 A. Yes.

22 Q. And do you recall the families' residences? Like, which
23 families?

24 A. I mean, he housesat my family a lot. And I would have my
25 friends over.

1 Q. Okay.

2 A. And then, like, James's house or the Halpert's or the
3 DeMuth's, Will DeMuth. He was my neighbor, so . . .

4 Q. The DeMuths were your neighbor?

5 A. Yeah, so. Mostly those.

6 Q. When Mr. Bendann was present at these house parties, were
7 any other adults present?

8 A. No.

9 Q. At these house parties, were you the only girl or did you
10 have other girlfriends that were there with the Gilman boys?

11 A. Yeah, there was, like, a handful of girls that would do
12 stuff with them. Like, my best friend, Virginia, she and I
13 were around them a lot; and then a couple other girls would do
14 stuff too, but usually if there were smaller get-togethers
15 there would be only like a couple of us.

16 Q. Was there any sort of limitation on how long the girls
17 were permitted to stay and hang out at these house parties?

18 A. Not like -- there wasn't an ongoing, like, girls can't
19 come or, like, you can only stay for however long.

20 There was a couple of times where we were told, like, it
21 has to be only boys or, like, okay, girls can't come till
22 later. Things like that. But it wasn't, like, an overarching
23 rule or anything like that.

24 Q. And who would say that?

25 A. I mean, the boys would relay it to us. I know, like,

1 there was a pool party once that we were told girls weren't
2 allowed to go --

3 **MR. NIETO:** Objection, Your Honor.

4 **THE COURT:** Sustained. We'll strike that last answer.

5 **BY MS. HAGAN:**

6 **Q.** Were there any restrictions to your knowledge directly
7 from Mr. Bendann?

8 **A.** Yeah. For that time.

9 **Q.** For which time?

10 **A.** The time at the pool party.

11 **MR. NIETO:** Objection, again, Your Honor.

12 May we private channel, Your Honor?

13 **THE COURT:** Yep.

14 (Whereupon, the following conference was held at the
15 bench:)

16 **THE COURT:** Sounds like it helps your client but
17 what's the objection?

18 **MR. NIETO:** Your Honor, the issues that I'm having
19 this particular witness seems to be testifying based on
20 hearsay. I assumed that she was going to be doing this based
21 on her own personal firsthand knowledge, but based on her last
22 answer, and the answers that she's giving, I don't know if
23 she's hearing this directly from my client or.

24 **THE COURT:** Fair enough. Sustained. Tighten it up.

25 (Whereupon, the bench conference was concluded.)

1 **THE COURT:** Just be careful to tell us only what you
2 know, not what other people told you. Next question.

3 **BY MS. HAGAN:**

4 **Q.** Ms. Hoffberger, do you have any specific recollection of a
5 house party in which both Mr. Bendann and ██████████ were
6 present?

7 **A.** Yes.

8 **Q.** And what, if anything, unusual do you recall happening
9 with respect to Mr. Bendann and ██████████?

10 **A.** Do you mean, like, in general or?

11 **Q.** Did there come a point in time where they weren't present
12 any more?

13 **A.** At like any party? Because, yeah, yes, there was times,
14 like, Mr. Bendann would be, like, upset with ██████ and they had
15 to go in the other room. And, like, I don't know -- that's
16 kind of all I would know.

17 **Q.** Now, when you said upset, you put your fingers up in air
18 quotes, what do you mean?

19 **A.** We never knew what they were upset about or what ██████ had
20 done wrong or something. It was just like oh, ██████ did
21 something wrong again.

22 **Q.** Who would say that?

23 **A.** When they would go to a separate place, that's like what
24 we would say.

25 **Q.** Okay. Did you actually observe them both leaving the

1 room?

2 A. Yeah, but we wouldn't know, like, why.

3 Q. Okay.

4 MS. HAGAN: I have nothing further, Your Honor. Thank
5 you.

6 THE COURT: Cross.

7 CROSS-EXAMINATION

8 BY MR. NIETO:

9 Q. Good afternoon, Ms. Hoffberger.

10 You said that you're working in D.C.?

11 A. Yes.

12 Q. Prior -- is this a new job?

13 A. I started in the first week of January.

14 Q. Okay. Before that you were working at Hermès, right? Am
15 I pronouncing that correctly?

16 A. No, I wasn't.

17 Q. You working weren't at Hermès?

18 A. No.

19 Q. Okay. Now, these Monday night dinner excursions that you
20 went with Mr. Bendann and others, do you remember those
21 incidents?

22 A. Yes.

23 Q. You have no negative memory stemming from those
24 interactions, right?

25 A. No.

1 Q. One of the Monday night dinners, Mr. Bendann had actually
2 taken a picture of you and [REDACTED], do you remember that?

3 A. Yes.

4 Q. He had framed it and sent you a copy of that photo?

5 A. Uh-huh.

6 Q. And Mr. Bendann played an important role in you and your
7 family's life during the time frame that we're talking about
8 here; is that fair?

9 A. Yeah.

10 Q. Right. I mean, he would come over for dinner with the
11 family?

12 A. Uh-huh.

13 Q. He would come over during the holidays, right?

14 A. I don't know. Holidays? Not, like, for a holiday.

15 Q. Okay. Did he come by the house during the holiday season,
16 do you remember?

17 A. I don't know.

18 Q. Okay. All right. But he would come around the house
19 sometimes and cook dinner, do things like that?

20 A. Yes.

21 MR. NIETO: Nothing further. Thank you, Your Honor.

22 THE COURT: Redirect.

23 MS. HAGAN: No, Your Honor.

24 THE COURT: May the witness be excused?

25 MS. HAGAN: Yes.

1 **MR. NIETO:** Yes, Your Honor.

2 **THE COURT:** You're excused, ma'am, and you may depart.
3 Next witness.

4 **MS. MCGUINN:** Your Honor, the Government would next
5 call Riley Seelert.

6 **THE COURT:** Riley Seelert.

7 Ma'am, please come to the flagpole, stop there, and turn
8 to the left, and face our clerk.

9 (Witness sworn.)

10 **THE CLERK:** Thank you, ma'am. You may take a seat in
11 the witness box. Ma'am, speaking directly into the microphone,
12 can you please state and spell your first and last name.

13 **THE WITNESS:** It's Riley Seelert. R-I-L-E-Y.
14 S-E-E-L-E-R-T.

15 **THE COURT:** Your witness, ma'am.

16 **DIRECT EXAMINATION**

17 **BY MS. MCGUINN:**

18 **Q.** Good morning, Ms. Seelert. And I just want to make sure
19 I'm pronouncing it correctly. I know it's S-E-E but it sounds
20 like a short "u"?

21 **A.** Seelert, yes.

22 **Q.** Okay, thank you.

23 Ms. Seelert, what is your home state?

24 **A.** Connecticut.

25 **Q.** And in 2022, what was the house number and street that you

1 lived on?

2 A. 58 Harrison Avenue.

3 Q. I'm going to ask you to speak as much as you can in the
4 microphone and pretend you have to make sure I hear you all the
5 way back here. Okay?

6 A. Okay.

7 Q. Thanks. You said 58?

8 A. Harrison Avenue.

9 Q. Harrison Avenue. If we could bring up Government's 251.

10 In looking at this, do you recognize the geographical
11 location represented in this?

12 A. Yes.

13 Q. What was that?

14 A. That was my house at the time.

15 Q. You can take that down, thank you.

16 Ms. Seelert, can you tell us the type of work that you do?

17 A. I work in the fashion industry in New York.

18 Q. And where did you attend college?

19 A. Bucknell University.

20 Q. Did you graduate?

21 A. Yes.

22 Q. And what year?

23 A. 2024.

24 Q. And what was your degree in?

25 A. Political science.

1 Q. You started as a freshman in the fall of 2020?

2 A. Yes.

3 Q. Can you describe Bucknell in terms of its relative size as
4 a school?

5 A. It's about 4,000 people undergrad. It's pretty small.

6 Q. In terms of that smallness, that 4,000, how would you
7 describe it in terms of relating to other students or
8 interacting with other students on campus?

9 A. If you do anything, everyone hears about it. It's a very
10 small school. A lot of people from my area, from Connecticut,
11 Maryland, New Jersey, New York, that's pretty much.

12 Q. Is it like living in a bubble per se?

13 A. Yes.

14 Q. Do you know a person by the name of [REDACTED]?

15 A. Yes.

16 Q. And who is he?

17 A. He is my boyfriend. And he was a student at [REDACTED] when
18 I went to Bucknell.

19 Q. And when did you first meet him?

20 A. I met him on the first day of freshman year.

21 Q. Did you begin dating him right away?

22 A. No, we began dating my sophomore year.

23 Q. If my math is correct, you've known him coming up on about
24 four, almost five years?

25 A. Yes.

1 Q. As part of your relationship with him, are you familiar
2 with his online accounts or what social media he uses?

3 A. Yes.

4 Q. And did he have an Instagram account?

5 A. Yes.

6 Q. Did you?

7 A. Yes.

8 Q. If we can go to Government's 221, please, on Page 48.
9 Do you recognize this?

10 A. Yes.

11 Q. What is that?

12 A. That was my Instagram. That is my Instagram.

13 Q. If we can go to Page 726. I think I wrote the wrong page
14 down. We can clear that, thank you.

15 Did [REDACTED] have a Snapchat account?

16 A. Yes.

17 Q. And did you?

18 A. Yes.

19 Q. How long have you used those types of social media
20 accounts, Instagram and Snapchat?

21 A. Probably since middle school around sixth grade when I got
22 an iPod.

23 Q. And when you knew [REDACTED] and were dating -- excuse me,
24 [REDACTED], and when you were dating in college, to your
25 knowledge did he have a cell phone?

1 A. Yes.

2 Q. What kind?

3 A. An iPhone.

4 Q. And did he have any other type of Apple?

5 A. A laptop and an iPad.

6 Q. And during your years at Bucknell, did you come to learn
7 of a person named Mr. Bendann?

8 A. Yes.

9 Q. And at that time when you first learned about him, who was
10 he?

11 A. A teacher at Gilman.

12 Q. And how did you know that?

13 A. I was told that because I asked about him. He followed me
14 on Instagram.

15 Q. Did you ever meet this person face to face, live and
16 in-person?

17 A. Nope.

18 Q. Have you ever seen this person via a photograph, or what
19 that person may have looked like?

20 A. Yes.

21 Q. How did you come to learn about this person in terms of
22 his existence in [REDACTED] life?

23 A. I would frequently see him Snapchatting [REDACTED] and
24 contacting him over iMessage. So that's when I first asked
25 about him.

1 Q. And how would you know that, or how did you see that?

2 A. [REDACTED] and I spent a lot of time together. I would just
3 frequently see notifications on his phone with that name.

4 Q. If his phone was, like, out on a table --

5 A. Yes.

6 Q. -- or out you can see notifications?

7 A. Uh-huh.

8 Q. And the person was Mr. Bendann?

9 A. Yes.

10 Q. Can you describe any sort of -- you said this, you spent a
11 lot of time together, how often were you with [REDACTED],
12 let's use your sophomore year 2020, 2022?

13 A. Pretty much, like, I saw him every day if not every other
14 day. Especially when we started dating.

15 Q. And how often would you see him getting alerts on his
16 phone from Mr. Bendann?

17 A. Every time we were together.

18 Q. During those few months of dating [REDACTED], did you
19 get any unusual friend requests on social media?

20 A. Yes.

21 Q. Can you describe, if you remember, what account was trying
22 to friend you?

23 A. It was what appeared to me a fake account, a spam account,
24 that had the name [REDACTED] or whatever, I forget. And reached
25 out saying "Hi, Riley." And I was with [REDACTED] at the time. And

1 I immediately blocked it because it didn't appear to me like it
2 meant anything.

3 Q. At the end of your sophomore year in the summer of 2022,
4 did you have plans to travel anywhere for school?

5 A. Yes.

6 Q. Where were you going?

7 A. I was going to the London School of Economics and
8 Political Science.

9 Q. And if you were finishing up school, would you have
10 finished around May of that year?

11 A. Yes, May of 2022.

12 Q. Did you go home between school and going to London?

13 A. Yes.

14 Q. During that time frame, did you and [REDACTED] visit
15 each other?

16 A. Yes.

17 Q. Did you come to Baltimore?

18 A. Yes.

19 Q. And did [REDACTED] visit you at your home in
20 Connecticut?

21 A. Yes.

22 Q. Approximately how many times did you come down to
23 Baltimore prior to going to London?

24 A. Zero. That was my first time.

25 Q. That was your first time?

1 A. Uh-huh.

2 Q. And when [REDACTED] came to your home in Connecticut,
3 did he stay in your home with your family?

4 A. Yes.

5 Q. Had he ever met your family before?

6 A. No.

7 Q. And you have a mom and dad?

8 A. Yes.

9 Q. And you have siblings?

10 A. Yes.

11 Q. And that was his first time meeting these people?

12 A. Yes.

13 Q. And do you know how he arrived in Connecticut, by that I
14 mean, plane, train, automobile?

15 A. Train.

16 Q. And while he was there, did you all go anywhere together
17 as a family?

18 A. Yes. He went to dinner with my parents and I.

19 Q. And did you go anywhere outside of Connecticut to attend
20 any, like, social activities?

21 A. We went to a Yankees' game, a Yankees/Orioles game.

22 Q. Are you a Yankees fan?

23 A. Yes.

24 Q. Ms. Seelert, are you a Yankees fan?

25 A. Yes.

(Laughter.)

Q. Ms. Seelert, when [REDACTED] was visiting you, how would you describe his attitude?

A. Not great. Not really the [REDACTED] that I had known for, you know, around two years at that point. We had fun at dinner. Had fun at the Yankees' game. But we pretty much spent the rest of the trip or the weekend in my room. He wasn't really being social with my family and my family is very social and, like, outgoing. So it was just very odd and overall not a great trip in my eyes. And of course my parents noticed that.

Q. And can we bring up Government's 241, please.

Do you recognize this?

A. Yeah.

Q. What is that?

A. That's a picture of [REDACTED] and I at the Yankees' game that he posted on his Snapchat story.

Q. And what about Government's 240, please.

Do you recognize the people in this picture?

A. Yep. That's [REDACTED] and I in my room.

Q. Your room in Connecticut or Bucknell?

A. Connecticut.

Q. After his visit to Connecticut, was the next time you saw him in London?

A. Yes. We went to London around five days later or, like, within the week.

1 Q. Did you travel to London together or separately?

2 A. Separate.

3 Q. Did you have any other friends who were in London studying
4 that summer as well?

5 A. Yes, a bunch of my friends from school were there and a
6 bunch of his friends from school were there.

7 Q. Who did, not necessarily names, but who did you live with
8 while you were in London?

9 A. I lived with four or five of my best friends from school.

10 Q. Girlfriends?

11 A. Yes.

12 Q. You and [REDACTED] did not live together while in
13 London?

14 A. No.

15 Q. And do you know who [REDACTED] lived with while he was
16 in London?

17 A. Yes.

18 Q. Who was that?

19 A. He lived with his friend, Wallace, and two other -- one or
20 two other friends from school.

21 Q. School being [REDACTED]?

22 A. Yes.

23 Q. And how far away was he living from you in London?

24 A. It was around, like, a 15-minute Uber, taxi, I think.

25 Q. And during the time that you weren't in class, did you

1 spend time with him?

2 A. Yes.

3 Q. And by the time you got to London, what month was that?

4 A. It was June.

5 Q. And approximately how long had you and [REDACTED] been
6 dating?

7 A. Just around a month.

8 Q. While you were there, did you and [REDACTED] travel
9 anywhere outside of the UK?

10 A. We went to Amsterdam and Paris.

11 Q. And how long was the, excuse me, the course you -- let me
12 strike that. My words.

13 How long was the course that you took at the London School
14 for Economics?

15 A. It was around three weeks. I got there around June. I
16 think it might have been June 18th, around that time. And we
17 left shortly after the 4th of July.

18 Q. Okay. And when [REDACTED] was in London, did he have
19 that iPhone or cell phone with him?

20 A. Yes.

21 Q. Did something happen to it?

22 A. Yes, it got stolen when we were at dinner.

23 Q. Did he have his iPad with him?

24 A. Yes.

25 Q. Was he able, as far as you could tell, to use that as sort

1 of his backup for not having a phone?

2 A. Yes.

3 Q. With regard to your time in London with him, did you
4 notice the same pattern of notifications in terms of receiving
5 online or message notifications from Mr. Bendann by [REDACTED]
6 [REDACTED]?

7 A. Yes.

8 Q. Would you and [REDACTED] sometimes stay over at each
9 other's place while in London?

10 A. Yes.

11 Q. Do you recall a time when minor -- excuse me, when [REDACTED]
12 [REDACTED] left something behind in your apartment in London?

13 A. Yes. He went to a market with his friends, a food market,
14 and he left his bag at my place with his school stuff and his
15 iPad.

16 Q. Did you know the passcode to his iPad?

17 A. Yes.

18 Q. And how long had you been in London when this occurred,
19 when he left with the iPad behind in your apartment?

20 A. Three days.

21 Q. And you said you know the passcode, is it otherwise
22 locked?

23 A. Yes.

24 Q. What did you do?

25 A. I went on it while he was gone. My friends were all down

1 stairs. Just pre-relationship jitters. I went on it looking
2 for girls and stuff, and I didn't find any of that. So I was
3 curious what him and the Defendant talk about so much. So I
4 went onto that text chain.

5 Q. Can we bring up Government's 215. If you could,
6 Ms. Jarman, just scroll a couple of the pages for a minute.
7 Not super quick.

8 Ms. Seelert, as you look at this, do you recognize what
9 these screenshots are?

10 A. Yes, these are pictures I took with my iPhone.

11 Q. You can go back to the beginning.

12 You took these, is this -- the outline surrounding this
13 message, is this [] [] [] [] [] [] [] [] [] [] iPad?

14 A. Yes.

15 Q. And you took these?

16 A. Yes.

17 Q. And can you scroll to the next page, and scroll one more
18 page, and scroll one more.

19 And that page, where it says "Mr. Bendann and photos,"
20 what is that of?

21 A. These were attachments that they had sent to each other
22 that they're shared attachments in their message chain.

23 Q. And in the top left corner of this screenshot, what do you
24 see?

25 A. An Xbox.

1 Q. And above that in the whole picture, the very top left
2 corner where it says "6:31 p.m.," what do you see?

3 A. Me. My text up there, yes.

4 Q. And what did you write?

5 A. "I know everything."

6 Q. In the moment, did you forget he didn't have an iPhone
7 with him?

8 A. I did.

9 Q. Can we scroll to the next page after this one.

10 A. Oh, actually, that morning we had gone to get him a new
11 phone.

12 Q. You had gone to get him a new phone?

13 A. Yeah, so that would have been done.

14 Q. And is this another screenshot that you took?

15 A. Yes.

16 Q. What was this a screenshot of?

17 A. This is a screenshot of one of their attachments. This is
18 the Instagram that reached out to message me.

19 Q. And that other one we briefly saw?

20 A. Yes, that's me in Baltimore.

21 Q. And the one that we passed over pretty quickly, was that
22 an image of [] [] [] [] [] [] [] [] [] [] iPhone?

23 A. Yes.

24 Q. In the bottom part of this, do you recognize that
25 necklace?

1 A. Yes, that's his necklace.

2 Q. Thank you.

3 Why did you take screenshots?

4 A. I -- they were very threatening. It seemed like there was
5 a negotiation going on. But of course my initial reaction was
6 that I was being cheated on, so I immediately took pictures so
7 I had proof and, you know, I wouldn't be having to just
8 memorize it in my head, what I saw. I took those pictures, and
9 I put the iPad down. And I texted him, and said, "I know who
10 Mister is," and that "I know everything." And that was that.

11 I was planning to give him his stuff back and not speak to
12 him again.

13 Q. And what happened?

14 A. He responded to me immediately that he was coming back to
15 my apartment and that I needed to hear him out.

16 Q. And were you willing to hear him out?

17 A. Yes.

18 Q. Can you describe, without getting into what he said to
19 you, but can you describe his demeanor while he was speaking to
20 you?

21 A. Very nervous. Very scared. Like I had just found out
22 something really, really horrible that I couldn't even begin to
23 understand.

24 Q. And after you heard him out, did you continue to remain in
25 a relationship with him?

1 A. Yes.

2 Q. And how did this affect your relationship with him?

3 A. Not the average person is okay with this situation. It
4 was kind of in limbo. I wasn't really okay with any of this.
5 So it definitely was really rocky in the beginning. And we had
6 to spend the rest of our course in London, so it wasn't really
7 like we could really get a break from seeing or talking to each
8 other. It kind of was just very stressful.

9 Q. And did you make any demands of [REDACTED] in terms of
10 what would happen from that point forward with regard to Mister
11 or Mr. Bendann?

12 A. Yes. I said that he cannot talk to him anymore. That we
13 have to test out what is actually going to happen if he stops
14 responding.

15 Q. Okay. While you were in London, did any family members
16 come to visit you or [REDACTED]?

17 A. Yes, his parents came to visit.

18 Q. And had you met [REDACTED] before?

19 A. Yes.

20 Q. And did you have any specific plans to meet them somewhere
21 while they were in London?

22 A. Yes. We went to get high tea together.

23 Q. Do you remember the place that you went to get high tea?

24 A. I don't. It was a very -- it was definitely a famous one
25 in London like around the Harrod's area, but I don't remember.

1 Q. Did you and ██████████ in fact go to the high tea?

2 A. Yes.

3 Q. Who was in attendance?

4 A. It was me, him, and both of his parents.

5 Q. And during that outing, did the Defendant Christopher
6 Bendann's name come up?

7 A. Yes.

8 Q. In what way?

9 A. His parents suggested that we had to get a bag of tea for
10 him from the place that we were at and bring it back for him.

11 Q. And were you able to see any reaction from ██████████?

12 A. Yes.

13 Q. What was that?

14 A. Very agitated. Kind of just shut down right then and
15 there. It was very noticeable to the rest of us.

16 Q. Okay. Did you tell the ██████████, ██████████
17 anything about those screenshots, what you had seen --

18 A. No.

19 Q. -- at that point in time. Why not?

20 A. It wasn't my thing to tell them. I never told anyone
21 ever.

22 Q. When you returned from London, did you and ██████████
23 see each other at all for the remainder of the summer of July
24 and August of 2022?

25 A. Yes. We went to his family's house in Maine after we were

1 done with London.

2 Q. And did you return to Bucknell in August/September of 2022
3 for your junior year?

4 A. Yes.

5 Q. And what was your relationship with [REDACTED] at that
6 point in time?

7 A. At that point in time he had stopped responding for a
8 certain amount of time. So things seemed to be going well.
9 But I realized pretty soon in September/October that things had
10 escalated and that --

11 Q. When you say "things had escalated," what things?

12 A. While he wasn't responding to him, he was getting hundreds
13 of messages, eventually until I was told by [REDACTED] that --

14 MR. NIETO: Objection, Your Honor.

15 THE COURT: Continued. Don't tell what anybody else
16 told you.

17 BY MS. MCGUINN:

18 Q. But you could see hundreds of notifications?

19 A. Yes.

20 Q. From Mr. Bendann on [REDACTED] phone?

21 A. Yes.

22 Q. And did you, yourself, have any direct contact with
23 Christopher Bendann in social media or online?

24 A. I never -- we never engaged in a conversation, no.

25 Q. Have you ever told the Defendant where you live?

1 A. No.

2 Q. Has he ever been to your home in Connecticut?

3 A. No.

4 Q. Did there come a time when you became concerned about
5 Christopher Bendann showing up at Bucknell?

6 A. Yes.

7 Q. Can you describe that?

8 A. I -- I mean, I know he obviously knew where we went to
9 school. It's a very small school. You could easily figure out
10 where I lived or where [REDACTED] lived, especially since he had his
11 location and stuff in the past.

12 Q. In January of 2023, do you recall when this investigation
13 sort of broke open?

14 A. Yes.

15 Q. And when do you recall learning about it?

16 A. I think the day it happened and I remember [REDACTED]'s dad
17 came up to [REDACTED] and that was when he told his dad
18 everything.

19 Q. To your knowledge, did [REDACTED] return to Baltimore
20 soon thereafter?

21 A. Yes.

22 Q. Did you ever go with him?

23 A. Yes.

24 Q. In February of 2023, did you learn of the Defendant
25 Christopher Bendann's arrest?

1 A. Yes.

2 Q. Did you notice any changes in [REDACTED] behavior,
3 in his pattern of drinking?

4 A. Yes.

5 Q. Can you describe that?

6 A. Definitely on the surface very relieved that things were
7 finally moving with this process. But yeah, definitely like
8 was -- when we would go out he would get pretty drunk.

9 Q. During this time, how many times do you think you came to
10 Baltimore with [REDACTED] in the early part of 2023?

11 A. Two or three times.

12 MS. MCGUINN: Court's indulgence for a minute.

13 THE COURT: Yes.

14 MS. MCGUINN: Your Honor, I have no other questions
15 for this witness.

16 THE COURT: Thank you, ma'am. Cross-examination.

17 CROSS-EXAMINATION

18 BY MR. NIETO:

19 Q. Ma'am, you had indicated that the reason for you going
20 into [REDACTED] iPad, I think you called them relationship
21 jitters?

22 A. Uh-huh.

23 Q. Right. So when you had reviewed the text, right, your
24 first thought was that you were being cheated upon; is that
25 fair to say?

1 A. Yes.

2 Q. And so in order to, as you had said, right, so you didn't
3 have to remember specifics later on, you were taking pictures
4 or screenshots --

5 A. Yes.

6 Q. -- of the evidence of that, right. And you had said that
7 it was your plan that you were going to break up with
8 [REDACTED]?

9 A. Yes.

10 Q. But he was nervous and scared and came over and explained
11 things a little bit more clearly to you, right?

12 A. Yes.

13 Q. And based on that explanation, the relationship did not
14 end, did it?

15 A. No.

16 Q. And, ma'am, you did not know [REDACTED] prior to him
17 attending [REDACTED]?

18 A. No.

19 Q. So you didn't know him before he turned 18?

20 A. No.

21 MR. NIETO: Okay. Thank you, ma'am. Nothing further.

22 THE COURT: Redirect.

23 MS. MCGUINN: Nothing, Your Honor. Thank you.

24 THE COURT: May this witness be excused?

25 MS. MCGUINN: Yes, Your Honor.

1 **MR. NIETO:** Yes, Your Honor.

2 **THE COURT:** Ma'am, you're excused, and you may depart.
3 Private channel.

4 (Whereupon, the following conference was held at the
5 bench:)

6 **THE COURT:** No other non-law-enforcement witnesses.

7 **MS. MCGUINN:** Correct.

8 **THE COURT:** Okay. So this is the logical break point.
9 We'll take lunch. We'll come back at 2:05 and Ms. Walker will
10 resume the witness stand.

11 **MS. MCGUINN:** Yes, Your Honor.

12 **MR. PROCTOR:** Your Honor.

13 **THE COURT:** Yes, Mr. Proctor.

14 **MR. PROCTOR:** If you have five minutes before lunch,
15 there is an issue I'd like to iron out so that when I meet with
16 Mr. Bendann regarding his right to testify --

17 **THE COURT:** Yes.

18 **MR. PROCTOR:** -- I can instruct him accordingly. So
19 if we could ask the jury to leave and let's talk about that.

20 **THE COURT:** Sure. No problem.

21 (Whereupon, the bench conference was concluded.)

22 **THE COURT:** Okay. Ladies and gentlemen, we're going
23 to take a lunch break now. And you'll be excused until 2:05.
24 It's slightly longer because I have to attend a meeting over
25 lunch.

1 During the lunch break do not discuss the case with
2 anyone. Do not discuss the case even among yourselves. Do not
3 allow yourselves to be exposed to any news articles or reports
4 that touch upon the case or the issues it presents or any
5 articles or reports that relate to any of the participants in
6 the case. Avoid all contact with any of the participants in
7 the trial. Do not make any independent investigation of the
8 law or the facts of the case. Do not look up anything on the
9 internet. Do not consult an encyclopedia or a dictionary.

10 Take the jury out.

11 **THE CLERK:** All rise for the jury.

12 (Jury exits at 12:45 p.m.)

13 **THE COURT:** I'll see the court security officer at the
14 bench now.

15 Ladies and gentlemen, we're going to ask you to remain in
16 the gallery for a few minutes so the jurors have time to get
17 out of the building and get on their way to lunch. We'll let
18 you go in about five minutes.

19 Private channel.

20 (Whereupon, the following conference was held at the
21 bench:)

22 **THE COURT:** Mr. Proctor.

23 **MR. PROCTOR:** Thank you, Judge. If it's easier, I
24 don't know of any reason we couldn't do it in open court. But
25 I'm also happy to do it on private channel.

1 **THE COURT:** That's fine. Thank you.

2 (Whereupon, the bench conference was concluded.)

3 **THE COURT:** We're back on the open record.

4 Mr. Proctor.

5 **MR. PROCTOR:** Your Honor, I thought rather than -- no
6 doubt there'd be objections and us talk and keep a jury
7 waiting, since we have a few minutes now we might air out I
8 guess what I would call the 412 issue with regard to
9 Mr. Bendann's testimony.

10 You know, I do expect him to testify that he had a ongoing
11 sexual relationship with [REDACTED] when they were both
12 adults. And our position would be that 412 prohibits the use
13 of other sexual behavior, that's the word it uses, and what
14 Mr. Bendann would testify is not by its definition other.

15 You know, I read a panoply of cases last night regarding
16 412 and rulings and appellate cases and almost all of them are,
17 you know, they continue -- a lot of them were women who acted
18 in a -- in prostitution and having sex with other paying
19 customers and how that was, you know, not germane to the issue
20 before the jury.

21 It can't be the case that if you have sex with someone the
22 day before their 18th birthday and then it continues that next
23 morning that somehow one is fair game and the other isn't.

24 **THE COURT:** Subject to hearing the Government's views,
25 I think you're well covered in your position by the exception

1 that's set out at 412(b)(1)(C) because there's a fundamental
2 constitutional right for a person to confront their accuser, to
3 state their evidence in terms of, if they wish to, they're
4 certainly not required to, as to what their defense is, their
5 version of what happened and so forth.

6 So I would be likely, subject to hearing the Government's
7 views, to rule that that exception is triggered here.

8 But how do you get around the notice requirement?

9 **MR. PROCTOR:** Well, I can't. The notice only requires
10 that we provide notice to prove -- you know, the exact word is,
11 to prove that the victim engaged in other sexual behavior. And
12 so we did not give notice because we did not feel we had to
13 because it's other sexual behavior. It's not other, it's
14 intrinsic to the allegations in this case.

15 And even if somehow I was wrong on that, Judge, when the
16 Government asked ██████████: Past the age of 18, did you
17 continue to have a romantic and sexual relationship? They
18 opened the door to it. It's fair game for us to rebut it.

19 Even the last witness, Ms. Seelert, talked about how she
20 thought he was cheating on her. That's other sexual behavior.
21 She wasn't talking about cheating on her by anything other than
22 a sexual context.

23 Mr. Bendann, it's our position, it's not other. There's
24 no embarrassment. If anything, it would be more embarrassing
25 to have sex with a teacher while you're in the school than

1 after you left. There's no unfair surprise.

2 Mr. Bendann should be able to tell his story to the jury,
3 which requires contextualizing the relationship as an adult.
4 And that's -- we would ask the Court to permit him to do that.

5 **THE COURT:** And the antecedent for your argument about
6 the word "other," where is that in the rule?

7 **MR. PROCTOR:** I'm sorry?

8 **THE COURT:** You're emphasizing the term "other."

9 **MR. PROCTOR:** 412(a)(1) requires to --

10 **THE COURT:** Other sexual behavior.

11 **MR. PROCTOR:** Correct. Or, victim sexual
12 predisposition. We're not going there with predisposition.
13 It's of no moment.

14 And certainly, if we would ask either Ms. Seelert or
15 ██████████ about the nature of their sexual encounters, that
16 would be so beyond the pale you would shut me down in a
17 heartbeat. But talking about -- allowing Mr. Bendann to
18 talking about his relationship is not other sexual behavior.
19 It's intrinsic to this case. It's at the heart of it.

20 **THE COURT:** Ms. McGuinn.

21 **MS. MCGUINN:** Your Honor, the Government takes issue
22 with that the day before he turns 18 there's not a problem and
23 the day he turns 18 there is. Well, in fact there is because
24 age is not a defense when you film it. That's the difference.

25 If we were just talking about a 17-year-old having sex

1 with a 35 -- just sex, assuming there's no extortion involved
2 or force, then in the state of Maryland and federally we
3 wouldn't have a crime. But we're not talking about that --

4 **THE COURT:** But I think their contention is that the
5 filming occurred when the victim was passed the age of 18.

6 **MS. MCGUINN:** I agree.

7 **THE COURT:** So under their theory, the videos in
8 evidence are not child pornography.

9 **MS. MCGUINN:** Sure. So, yes, can they talk about
10 those five instances and say when we were in the car that was
11 consensual, and he was --

12 **THE COURT:** Over the age of 18.

13 **MS. MCGUINN:** -- 19 years old, 18 years old. Yes,
14 they absolutely can do that, of those five instances they
15 absolutely can because those five instances are the only
16 instances of sexual conduct to which they can address; or, as
17 the Government charged it from May 2022 to December of 2022,
18 which is the sextortion/cyberstalking piece, which certainly
19 Ms. Seelert testified about, which is in that time frame
20 whether or not she thought she was being cheated on. The
21 messages she saw were all within that time frame. So that
22 sexual behavior is relevant. Except counsel has already
23 conceded that that was a cyberstalking and that part of that
24 was, you need to come over and do whatever I tell you type of
25 coerced sexual behavior, which is what [REDACTED] talked

1 about.

2 So the defense can't just -- Defendant -- willy-nilly
3 start saying this was this love affair outside to confuse the
4 jury as to the consent issue which isn't at play under 412
5 here. There is no exception that this, quite frankly, falls
6 on.

7 I understand Your Honor's concern with his constitutional
8 rights. And, yes, he absolutely can testify that when we were
9 in my car and I filmed him he was 18 years old. That really
10 happened in 2019.

11 **THE COURT:** Well, if the Defendant were to testify I
12 never had sexual relations with the victim before his 18th
13 birthday. That's premise number one.

14 **MS. MCGUINN:** Sure.

15 **THE COURT:** Premise number two, there was a
16 substantial sexual relationship with the victim after his 18th
17 birthday; three, an elaboration on how that relationship
18 proceeded, the various activities that occurred, where it
19 occurred, where those activities occurred, that sort of thing.
20 You're conceding that all of that is admissible.

21 **MS. MCGUINN:** No, I'm not. I'm conceding that those
22 five specific context -- the five counts where they occurred,
23 two in his car, the Halpert's, the Feiss's, and his own home,
24 the victim's own home, those are absolutely -- if this is where
25 the road we're going on -- that those occurred after March 20th

1 of 2019. Fine.

2 But the defense, because they did not give us notice,
3 cannot get into, and also, after that date, those -- the EXIF
4 data is wrong --

5 THE COURT: Had they given you notice --

6 MS. MCGUINN: They have not.

7 THE COURT: No, but had they.

8 MS. MCGUINN: No.

9 THE COURT: No, no, no. I'm asking you a
10 hypothetical.

11 MS. MCGUINN: Okay.

12 THE COURT: Had they given you notice then you
13 wouldn't have this argument, right?

14 MS. MCGUINN: I probably still would in that the fact
15 that they at some point had a consensual relationship,
16 according to the defense, after March 19th -- March 20th of
17 2019 up through 2022 is not relevant because it would confuse
18 the issues as to there is no defense to consenting to child
19 pornography. The Government would still make an argument to
20 this court that it's -- the defense is trying to backdoor-in a
21 consent argument.

22 THE COURT: Well, I understand exactly what's going
23 on.

24 MS. MCGUINN: Sure.

25 THE COURT: But there is the matter of this

1 Defendant's rights under the U.S. Constitution. And I'm not
2 going to infringe them even in the circumstance where there is
3 a notice deficiency because I don't think that the Government
4 is prejudiced by virtue of the fact that the notice wasn't
5 filed.

6 You've had wind of this for days. Not the 10 or 14 days
7 that the rule requires but in terms of ultimate consequences
8 for the Government and prejudice, I think it's minimal.

9 On the other hand, the right of a Defendant to present his
10 defense to the jury that is ultimately judging him is a
11 powerful one in our system and one that we don't intrude on
12 lightly. And this rule, if strictly enforced in this
13 circumstance, in my view, would amount to an encroachment on a
14 fundamental right that our constitution doesn't permit.

15 Here's the line, there can't be any testimony that states
16 or implies consent to the engagement in sexual activity with a
17 minor, including any actions that fall into the category of
18 enticement or inducement, and certainly not the making of any
19 films.

20 And on the Government's objection, provided I conclude
21 that that's what happened, I will sustain it and strike it, and
22 perhaps admonish the Defendant and counsel in front of the jury
23 that consent is not a defense with respect to the crimes that
24 are charged -- the crimes that are charged in all but the last
25 count of this indictment.

1 **MR. PROCTOR:** I was about to say I could live with
2 that but it doesn't matter whether I can live with it or not.
3 We understand the court's ruling and we'll abide by it.

4 **THE COURT:** Well, you are going to live with it. I
5 understand the Government's frustration. This is a bit of a
6 minefield, but at the end of the day our system, first and
7 foremost, is going to protect the rights of a criminally
8 accused Defendant whose liberty is at stake in this trial.
9 That's the way we do it.

10 2:05.

11 **MR. PROCTOR:** Thank you, sir.

12 **THE CLERK:** All rise. This Honorable Court now stands
13 in recess.

14 (A recess was taken from 12:58 p.m. to 2:17 p.m.)

15 **THE COURT:** Be seated, please. A couple of
16 preliminary matters. We're ready for the next phase of
17 Ms. Walker's testimony, correct?

18 **MS. MCGUINN:** Yes, Your Honor.

19 **MS. HAGAN:** Yes, Your Honor.

20 **THE COURT:** Do we have our system configured
21 appropriately for her giving testimony and the topics and
22 exhibits that she'll be referring to?

23 **MS. HAGAN:** At the moment, Your Honor, no. The videos
24 that will be played of that nature will be at the very end of
25 her direct examination. We do have a number of exhibits and

1 reading to go through, through the use of readers that will
2 take a bit of time. So my thought was rather than interject
3 the videos during that I would wait until the conclusion of her
4 testimony and play the videos then. If I could just have a
5 moment before we play them to regroup.

6 **THE COURT:** Right. The point is that I'm trying to
7 minimize any knowledge on the part of the jury that we are not
8 generally showing these videos, because I don't want to give
9 them any different status than any other evidence that's before
10 the jury, but for obvious other reasons it's appropriate to not
11 display them.

12 So how are we going to subtly communicate this if we are
13 midstream?

14 **MS. HAGAN:** I thought at the appropriate time, Your
15 Honor, I could ask to go on the private channel. I do think
16 that Agent Walker's testimony up to that point would be long
17 enough that we could make a brief recess.

18 **THE COURT:** All right. Well, that might happen but it
19 might not work out. So the private channel route will be the
20 other way.

21 **MS. HAGAN:** Okay.

22 **THE COURT:** Ms. Maldeis will listen carefully and you
23 can make the electronic change or the change in the
24 configuration easily and quickly.

25 **THE CLERK:** Yes, Your Honor.

1 **THE COURT:** That will be what our ultimate strategy
2 is. Okay, that's number one. Number two is the readers of the
3 text dialogue.

4 **MS. HAGAN:** They are right outside the doorway, Your
5 Honor.

6 **THE COURT:** Okay. My plan is to position them at the
7 empty table. I assume that's acceptable to the defense?

8 **MR. NIETO:** No objection to that, Your Honor.

9 **THE COURT:** Okay. And somehow you will make it clear
10 that one is designated for one role and the other is designated
11 for the other.

12 **MS. HAGAN:** Yes, Your Honor.

13 **THE COURT:** Are they doing this across multiple
14 communicators, or is it always just two people who are
15 communicating and so the actors, for lack of a better term,
16 will be reading only one part throughout?

17 **MS. HAGAN:** They will be reading the same part
18 throughout. The first exhibit is the lengthier one. And it is
19 just the two parties between Mr. Bendann and [REDACTED].

20 **THE COURT:** Yeah.

21 **MS. HAGAN:** There is a shorter exhibit to follow that
22 is actually between Mr. Bendann and [REDACTED] and James
23 Schloeder, and for that short exhibit our intention was to have
24 Agent Walker read the part of James Schloeder.

25 **THE COURT:** All right. Acceptable to the Court.

1 Mr. Nieto?

2 MR. NIETO: That sounds fine.

3 THE COURT: That's fine. And in some clear but
4 concise way you'll explain who's assigned -- you'll ask for
5 person X to read this part, person Y to read this part, and
6 then when necessary person Z to read the third part?

7 MS. HAGAN: Yes, Your Honor.

8 THE COURT: How quickly are we going to get into that?

9 MS. HAGAN: Probably within the first 10 minutes.

10 THE COURT: In totality, rough estimate of this
11 direct?

12 MS. HAGAN: For the entire direct, Your Honor?

13 THE COURT: Yeah.

14 MS. HAGAN: I would estimate 90 minutes, two hours.

15 THE COURT: Okay.

16 MS. HAGAN: On the lengthier side.

17 THE COURT: So we may well be taking a break. And the
18 sensitive portion at the end would take how many minutes to get
19 through?

20 MS. HAGAN: Your Honor, it's the Government's
21 intention, and I did indicate to counsel, that we just intended
22 to play a very brief portion of six different videos. Not
23 the -- we trimmed them down but even the entire trimmed version
24 we don't need to play in the entirety. So total of the six
25 videos, probably let's than five minutes.

1 THE COURT: Total, okay.

2 MS. HAGAN: Because we're only going to play --

3 THE COURT: Then how long will we be in that phase of
4 the direct then? Maybe 10 minutes?

5 MS. HAGAN: Yes.

6 THE COURT: And then that'll be the end of the direct?

7 MS. HAGAN: Yes.

8 THE COURT: And is this Government's last witness?

9 MS. HAGAN: Yes.

10 THE COURT: Okay. I think we're ready. Let's bring
11 them in.

12 THE CLERK: All rise for the jury.

13 (Jury enters at 2:22 p.m.)

14 THE COURT: Ms. Walker, you may come forward.
15 Transcripts for the last 10 minutes?

16 MS. HAGAN: Yes, we do have them, Your Honor.

17 THE COURT: And only for the last 10 minutes?

18 MS. MCGUINN: For the beginning.

19 THE COURT: Be seated. Ladies and gentlemen, I'm sure
20 it gets a little frustrating that I ask you to come back at
21 five minutes after 2:00 and then we don't call for you until 25
22 minutes past 2:00. But, you know, a trial is not like a play
23 or a movie with a certain set, course, and pattern to it.
24 There's all kinds of things that are occurring, legal issues
25 and so forth, that the Court has to attend to. A lot of it is

1 pure logistics. But usually when we've got a delay we're
2 otherwise working and engaged. I do take your time seriously
3 and I'm sorry that we're starting a little bit late once again.
4 We're ready to go now.

5 The Government will call their next witness.

6 MS. HAGAN: Thank you, Your Honor. The Government
7 calls, once again, Special Agent Calista Walker.

8 THE COURT: Ms. Walker, raise your right hand.

9 (Witness sworn.)

10 THE CLERK: Ma'am, could you restate your name and
11 spell your first and last name for the record.

12 THE WITNESS: Yes, Calista Walker. C-A-L-I-S-T-A.
13 Last name W-A-L-K-E-R.

14 THE COURT: Your witness, ma'am.

15 DIRECT EXAMINATION

16 BY MS. HAGAN:

17 Q. Good afternoon, Agent Walker.

18 A. Good afternoon.

19 Q. I'm going to show you Government Exhibit 228. If you
20 could please tell me if you recognize what is depicted in
21 Government' Exhibit 228?

22 A. Yes, I do.

23 Q. And what is that?

24 A. This is the Venmo records for the account number 11730674
25 which belonging to Christopher Bendann.

1 Q. Now, you see where it says PayPal at the top of this
2 exhibit?

3 A. Yes.

4 Q. Can you tell us what is the relation between PayPal and
5 Venmo?

6 A. PayPal bought Venmo a few years ago.

7 Q. From where did you receive this information?

8 A. From PayPal --

9 MR. PROCTOR: Your Honor, can we go on the private
10 channel for a moment?

11 THE COURT: Yes. Take down the exhibit.

12 (Whereupon, the following conference was held at the
13 bench:)

14 THE COURT: Mr. Proctor.

15 MR. PROCTOR: Your Honor, that exhibit has my client's
16 Social Security number displayed on it which --

17 THE COURT: What's the relevance of his Social
18 Security number given that it's sensitive personal information?

19 MS. HAGAN: There isn't relevance to the Social
20 Security number other than the fact --

21 THE COURT: I can't hear you.

22 MS. HAGAN: All of the personal identifying
23 information is consistent with that personal identifying
24 information that Agent Walker had from Mr. Bendann. So it is
25 linking this Venmo account to him.

1 **THE COURT:** Is there any way to obscure the first five
2 digits of the SSN?

3 **MS. HAGAN:** I can before it's submitted to the jury
4 and at this point, Your Honor, I could simply just ask Agent
5 Walker the follow-up questions but not show the exhibit
6 anymore.

7 **MR. PROCTOR:** That will be acceptable.

8 **THE COURT:** That's what we'll do, thanks.

9 (Whereupon, the bench conference was concluded.)

10 **THE COURT:** You may continue, Ms. Hagan.

11 **MS. HAGAN:** Thank you.

12 **BY MS. HAGAN:**

13 **Q.** Agent Walker, from where did you receive this information?

14 **A.** PayPal and Venmo, they're together, so we received it from
15 PayPal.

16 **Q.** And can you just explain what Venmo is for those of us
17 that might not know?

18 **A.** Yes. You can get an app on your phone, PayPal or Venmo,
19 which you can connect it to your bank account or a credit card.
20 It's just an easy way to send or receive money. You can send
21 money to friends or family and also request money.

22 **Q.** And is Government Exhibit 228, was that the format in
23 which you received the information from PayPal or Venmo?

24 **A.** No.

25 **Q.** Is Government Exhibit 228 an exhibit that you created just

1 to ease in reading the voluminous information that was received
2 from the company?

3 A. That's correct.

4 Q. Now, the subscriber information that you received from
5 PayPal or Venmo, did it contain email addresses?

6 A. Yes, it did.

7 Q. Were those email addresses consistent with those that you
8 knew to be used by Mr. Bendann?

9 A. That's correct.

10 Q. And did the PayPal information or Venmo information that
11 you received contain personal identifying information of the
12 subscriber of that particular account that we showed you?

13 A. Yes.

14 Q. Did that personal identifying information match that which
15 you had for Mr. Bendann?

16 A. Yes, it did.

17 Q. How about the personal address that was listed on that
18 account, did that also match the address that you had for
19 Mr. Bendann, the 115 Stanmore Road?

20 A. Yes, that's correct.

21 Q. Court's indulgence.

22 Special Agent Walker, I'm showing you page 2 of Government
23 Exhibit 228. Can you just explain each of the columns?

24 A. Sure. The created date is the transaction date. To the
25 right of that is the amount of money that's being sent or

1 received or requested. And then it's the status of those
2 payments and within Venmo and PayPal there's a note section.
3 You have to put something in the note section for you to be
4 able to do any transactions. Then the counterparty name will
5 be listed and then the counterparty email will be listed.

6 Q. Just by way of an example, I'm going to highlight
7 April 12th, 2019, the two transactions there. Can you just
8 explain, using the columns, what information is contained in
9 those two rows?

10 A. On the left side is the date of the transaction, the
11 amount of money that is being requested. And then that's the
12 status of the payments, the third block over. And then the
13 note section where it says, "add me back on text too," and then
14 the counterparty name is listed as [REDACTED].

15 Q. And then the only other one I'm going to ask you to take a
16 look at is the row for April 22nd, 2019. Can you explain the
17 information in that row?

18 A. Yep. Again, on the left side we have the transaction
19 date; the amount in U.S. dollars, 1 dollar; the status of that
20 transaction.

21 The note section, "Yo, no pressure, but I'm feeling it.
22 I'll add a 20 for a total of 100 for next weekend if you send
23 me DP tonight. Only if you're interested though."

24 And then the counterparty name is [REDACTED].

25 Q. The types of investigation that you handle in your

1 assignment, Agent Walker, have you become familiar in messages
2 and text messages what DP stands for?

3 A. Yes.

4 Q. What does it stand for?

5 A. A dick pic.

6 Q. Showing you Government's Exhibit 229. And I'm going to
7 direct your attention to the bottom row there for January 3rd,
8 2019.

9 What's the information -- first just generally, what is
10 contained on Government Exhibit 229?

11 A. So this is one payment for that account number 11730674
12 belonging to the Defendant Christopher Bendann. And this is
13 the date, January 3rd of 2019, in the amount of \$350. And you
14 can see the status approved. Note section has two emojis and
15 the word "thanks." And the counterparty named is Hadley
16 Hubbard.

17 Q. Who is Hadley Hubbard?

18 A. Hadley Hubbard is the wife of Christopher Feiss.

19 Q. What did you note with respect to the date of this
20 transaction from Hadley Hubbard to Mr. Bendann?

21 A. It's consistent with the time frame that the Defendant
22 Christopher Bendann housesat for the Feiss family.

23 Q. Okay. Thank you.

24 Agent Walker, in January of 2023 what types of devices did
25 ██████████ turn over to law enforcement?

1 A. A cell phone and an iPad.

2 Q. And are those two devices the devices that are the subject
3 of Government Exhibit 96, which is the stipulation introduced
4 into evidence yesterday?

5 A. That's correct.

6 Q. And did ██████████ allow law enforcement to download the
7 contents of those devices?

8 A. Yes.

9 Q. Did you have an opportunity to review the contents of the
10 iPad?

11 A. I did.

12 Q. I'm going to show you the front page of Government
13 Exhibit 221.

14 Can you identify what is depicted at least on the cover
15 page of 221?

16 A. Yes, this was a message between ██████████ and
17 Christopher Bendann.

18 Q. Okay. And is the entire exhibit messages between
19 Mr. Bendann and ██████████?

20 A. That's correct.

21 Q. What is the date range that's covered by the messages in
22 Government Exhibit 221?

23 A. May through December of 2022.

24 Q. And how old was ██████████ at the time?

25 A. Twenty-one.

1 Q. And what is the cell phone number that's communicating
2 with [REDACTED]?

3 A. It's the number there (410)960-9562.

4 Q. I'm going to show you Government's Exhibit 220.
5 Who is listed as the subscriber of cell phone number
6 ending in 9562?

7 A. David Bendann.

8 Q. Is that Mr. Bendann's father?

9 A. Yes.

10 Q. Was there a cell phone that was seized from Mr. Bendann's
11 residence on Stanmore Road that was assigned this same cell
12 phone number?

13 A. Yes, there was.

14 Q. And what type of device was it?

15 A. It was the Apple iPhone 11.

16 Q. Is that what we have referred to as item 1B1?

17 A. That's correct.

18 Q. And can you remind us who that -- what name that device
19 was in when it was turned on?

20 A. Chris iPhone.

21 Q. And how old was Mr. Bendann in May of 2022 when the chats
22 that are contained in Government Exhibit 221 started?

23 A. Thirty-seven.

24 Q. Now, based on your review of Government Exhibit 221,
25 approximately how many pages is that particular exhibit?

1 A. Approximately 726.

2 Q. And based on your review of Government Exhibit 221, during
3 this time frame May through December of 2022, approximately how
4 often did Mr. Bendann message [REDACTED].

5 A. Sure. The times that were available between those dates,
6 it was daily.

7 Q. Can you give us an example from Government Exhibit 221 the
8 number of times you counted on a particular day that
9 Mr. Bendann messaged [REDACTED]?

10 A. Sure. On May 30th of 2022, it was 30 times.

11 Q. After reviewing Government's Exhibit 221, did you assist
12 in creating a shorter version of selected messages from that
13 exhibit?

14 A. Yes, I did.

15 Q. I'm going to show you Government's Exhibit 222.
16 What is Government Exhibit 222?

17 A. This is the same chats, the shortened version, the
18 selected version.

19 Q. Shortened version meaning certain portions of the large
20 Exhibit 221 have been placed into this Government Exhibit 222?

21 A. Correct.

22 Q. Roughly how many pages is Government Exhibit 222?

23 A. Approximately 372.

24 MS. HAGAN: Your Honor, at this time the Government
25 requests permission to publish Government Exhibit 222 by having

1 them read into the record by two readers who are not witnesses
2 in this case. We also have the contents of Government
3 Exhibit 222 in binders for the jury to follow along as well.

4 **THE COURT:** That's approved. Let's distribute
5 binders.

6 Have the notebooks all been handed out? Please place the
7 binders on your chairs, ladies and gentlemen. We'll take a
8 brief recess.

9 During this recess do not discuss the case with anyone.
10 Do not allow yourselves to be exposed to any news articles or
11 reports that pertain to the case. Avoid all contact with any
12 of the participants in the trial. Do not make any independent
13 investigation of the law or the facts of the case. Do not look
14 up anything on the internet. Do not consult an encyclopedia or
15 dictionary.

16 Take the jury out.

17 (Jury exits at 2:36 p.m.)

18 **THE COURT:** Be seated, please. Private channel.

19 (Whereupon, the following conference was held at the
20 bench:)

21 **THE COURT:** While the binders were being passed out, I
22 observed Juror No. 1 pass a note to the courtroom deputy, the
23 courtroom deputy handed the note to me.

24 The note reads: I need to be excused for restroom,
25 exclamation point. Please, ASAP, exclamation point.

1 The jury -- it looks like maybe it's number one, kind of
2 looks like number nine, doesn't matter.

3 This will be marked as juror communication number one.
4 Please place it in the record.

5 We'll remain in place until the courtroom deputy learns
6 that the jury is ready to return to the courtroom so please go
7 assess that situation and bring them in when they're ready.

8 (Whereupon, the bench conference was concluded.)

9 **MR. PROCTOR:** Your Honor, while we're waiting for the
10 jury anyway, we would object. I mean, I think the binder
11 that's in front of the people reading is 372 pages long. We
12 conceded in opening to cyberstalking. Why do we need 372 pages
13 of text messages read to the jury? It's cumulative. It's
14 apropos if not a lot, it's confusing to the issue. And we
15 would object to it occurring in that fashion. If the
16 Government wants to highlight some key phrases that they think
17 are germane to find him guilty of cyberstalking, that's quite
18 within their rights. I get we're not allowed to stimulate to
19 dilute the force of the Government's evidence, but this is
20 quantity not quality.

21 **THE COURT:** Well, in terms of the legal issue there
22 may have been some comments made during opening statement on
23 the defense side but as your client stands before the Court at
24 the moment, his plea with respect to Count 9 is not guilty.

25 **MR. PROCTOR:** That's correct.

1 **THE COURT:** And I am proceeding accordingly.

2 Number two, the Government is the architect of the case
3 that they present against the accused. That's always the rule.
4 There are constraints when evidence becomes cumulative and it
5 gets to a point where the court concludes that there's really
6 no additional probative value of evidence that is addressing
7 the same issue then the Court, perhaps in response to an
8 objection, perhaps on its own motion, may well cut it off. But
9 I'm cognitive of the fact that the statute refers to a course
10 of conduct and, you know, what does it take to prove a course
11 of conduct. I think the Government gets a lot of latitude in
12 that regard. Overruled.

13 **THE CLERK:** Ready, Judge.

14 **THE COURT:** Okay.

15 **THE CLERK:** All rise for the jury.

16 (Jury enters at 2:41 p.m.)

17 **THE COURT:** Be seated, please. The record will
18 reflect that the binders have been distributed to the jurors.
19 And, Ms. Hagan, you're prepared to go forward now with the
20 publication of -- what exhibit number is this again?

21 **MS. HAGAN:** 222, Your Honor.

22 **THE COURT:** Exhibit 222.

23 **MS. HAGAN:** Thank you. I would ask that Mr. Aaron
24 Zelinsky read the messages associated with Mr. Bendann. And
25 I'd ask that Mr. Spencer Todd read the messages that are

1 associated with [REDACTED].

2 **THE COURT:** Very well. That's acceptable. The
3 presenters may proceed.

4 "[REDACTED]: Yo.

5 **"BENDANN:** Hi. You disappeared. Eh.

6 "[REDACTED]: Nah I passed out at 11 last night.

7 **"BENDANN:** Yeah but you stopped responding at like 6.
8 Where's Riley?

9 "[REDACTED] In bed next to me.

10 **"BENDANN:** Oh, gotcha. Oh, having sex again. Yeah.

11 "[REDACTED] And everyone from big roast is goin tot jay.
12 To that.

13 **"BENDANN:** Oh gotcha. Okay then after. You're more
14 fun drink anyways. Yah. Yup. K. Pissing me off
15 again Pup. Sick fuckboy. Cool. Seriously, that's
16 how you want to play this. Okay. Okay. This is
17 gonna go bad. You're back to old habits.

18 "[REDACTED] Nah I'm at a pig roast. I'm blitzed. There
19 is zero service.

20 **"BENDANN:** And you're not snapping or responding. But
21 other people are.

22 "[REDACTED] Ok.

23 **"BENDANN:** Ok? That's all you got? Awesome.

24 "[REDACTED] Yes. I will snap.

25 **"BENDANN:** Ok make them good if you want any

1 negotiation power. Cause right now I'm super annoyed.
2 Yep cool. Sick. Send better. Ahh cool you left.
3 [REDACTED] I'm about to be home.
4 "BENDANN: Okay. Well you should come here instead.
5 Okay. Cool Fuckboy. You're the worst.
6 [REDACTED] I have people here is what I'm sayin.
7 "BENDANN: You didn't say shit. You said you were
8 almost home and then ghosted. Who's at your house.
9 Start snapping.
10 [REDACTED] It was 15 minutes.
11 "BENDANN: Yeah but you've been pulling that shit all
12 day. And saying you're almost home doesn't explain
13 anything. Cool. Killing it. Awesome. Well, this
14 seals it. Interesting.
15 [REDACTED] Huh.
16 "BENDANN: I snapped you, you opened snap to see that
17 I snapped you and then ignored it. Cool cool.
18 [REDACTED] I didn't do that.
19 "BENDANN: You did, I saw you were gone, I snapped.
20 you opened snap and then didn't check mine. Come over
21 and hang.
22 "T.F.: Bro, I saw you like a day and a half ago. I
23 went to bed at 4 am last night.
24 "BENDANN: Dude you saw me for like 30 minutes a day
25 and a half ago while you were drunk and made me drive

1 around and get you food. I didn't go to bed that
2 night, I'm saying come hang so we can talk and
3 actually hang like watch the new Harry Potter on hbo
4 max. But whatever. When's the wedding.

5 Dude come over. Okay. Cool.

6 [REDACTED] What up.

7 "BENDANN: Come over. Really. That's the logic, ok.
8 Ok awesome, good work here. Yeah fucking awesome
9 there you go again.

10 [REDACTED] What.

11 "BENDANN: You are ducking on and off snap, but
12 telling me you can't hang cause you're napping. You
13 are doing anything it. But. I am about to go to
14 DeMuths and then over to elk. Fucking awesome as
15 usual.

16 [REDACTED] Ok. I'm going be at elk I think. Me and [REDACTED]
17 are playing golf alleged.

18 "BENDANN: So I won't see you then? Cool well you.
19 keep gaming and I'll do my thing and let's see where
20 this goes.

21 [REDACTED] What dude. I will see you this weekend I
22 thought.

23 "BENDANN: I thought we left it as today to talk
24 because you have the wedding Saturday.

25 [REDACTED] No.

1 "BENDANN: That's what we talked about yesterday.

2 [REDACTED] Oh missed that. No I have whole weekend other
3 than weddi.

4 "BENDANN: And said we needed to talk after Riley
5 left, and I think you think we did that the other
6 night.

7 [REDACTED] Idk.

8 "BENDANN: Yeah, I mean, ok. When do you head out.

9 [REDACTED] For London?

10 "BENDANN: Yeah. Yep.

11 [REDACTED] The 18.

12 "BENDANN: And when do you go visit Riley.

13 [REDACTED] Next weekend.

14 "BENDANN: How long are you going?

15 [REDACTED] Just the weekend.

16 "BENDANN: Ok. Well not sure what all this looks
17 like, but you've got some work to do.

18 [REDACTED] Okay.

19 "BENDANN: That doesn't bode well. Yeah. You
20 clearly could have come over. I'm at elk now, but I
21 expect you later. Hi. Yeah.

22 [REDACTED] Sup.

23 "BENDANN: I just left elk. Stopping at bank and
24 then DeMuths. Come over to DeMuths. Cool. Ahh.
25 Awesome. Yeah love this. Ok sick - so you're back to

1 your old shit. All right.

2 [REDACTED] What? I can't. I have to be up at 7 for
3 work.

4 "BENDANN: You lied all day about going to sleep
5 didn't go to elk and now you're watching you bedtime.
6 Ok cool, you're right back where we started. Ok -
7 fine you go back to your old shit I'll go back to
8 mine.

9 [REDACTED] No I'm literally going to bed I can see you
10 Sunday afternoon.

11 "BENDANN: That's ducking ridiculous.

12 [REDACTED] Not really.

13 "BENDANN: I've said all week and you keep pushing
14 back.

15 [REDACTED] Idk when I said that I was definitely going
16 to be able to hang today. I literally have been busy.
17 I can hang on weekends.

18 "BENDANN: You've been gaming shirtless in your room.
19 You haven't been busy all day. Okay cool you do you.
20 I'll do me. Bye. Ok it's going back up, good luck.
21 You're up and running again. Have fun since you're
22 not on snap maybe Riley's asleep and you can fix shit
23 before she wakes up and sees tomorrow. Or maybe not.
24 Good luck. Cool. Guess not.

25 Okay. Have fun fixing this gonna add her back.

1 I mean, I see you up in sparks, you can stop
2 pretending you don't see this. It isn't going away.
3 Yeah, this is ducking awesome. Fucking awesome.

4 [REDACTED] I said I had work.

5 "BENDANN: You fucking stopped texting last night and
6 you clearly can text while working.

7 [REDACTED] I went back to bed. No I'm not doing Brody
8 work. I'm moving wine for my uncle.

9 "BENDANN: Yea well that's on you deciding bed was
10 more important than finishing and you can obviously
11 text. Whatever though its your problem now your insta
12 is live and active. So Congrats that's what you
13 pushed me back to. Fine tuck you, I'm going through
14 Riley I'm done with your bullshit.

15 [REDACTED] I'm not pushing you I have work.

16 "BENDANN: Your at rise and on snap. Ok cool. Well.
17 your insta is still live and I'm just gonna to dm
18 Riley and why she hasn't followed back yet. Cause
19 this is bullshit. And your on insta so I know you
20 see this. So sending now cause you want to fuck
21 around. Ok good job. And I'm done. Bye.

22 Fucking idiot.

23 [REDACTED] I just woke up. I don't understand what you
24 are asking for.

25 "BENDANN: I've been asking you to come over all week.

1 But at this point I'm fucking done. You always pull
2 this shit.

3 [REDACTED] I have a wedding remember.

4 "BENDANN: And this is why it doesn't work out. You
5 went home and decided to nap instead of coming over.
6 You could be here literally right now. I said
7 yesterday.

8 [REDACTED] I'm pretty sure I told you I'm coming over
9 tomorrow.

10 "BENDANN: The day before the day before. And I told
11 you all this past week.

12 [REDACTED] I'm coming tomorrow. I told you that
13 yesterday.

14 "BENDANN: Yeah and I told you yesterday to come all
15 all last week, yesterday and today, so just cause on
16 of says work thing clearly doesn't mean that it does.
17 You fucking made a deal with me a month ago that you
18 broke immediately. And then tried another thing that
19 was shitty as well. That's why I told you to come
20 talk. And you didn't.

21 [REDACTED] Huh.

22 "BENDANN: Even though you have been home and gaming.
23 You have never fucking come through and always do less
24 that you say you will. And I'm tired of it.

25 [REDACTED] I'm coming tomorrow can you calm down.

1 "BENDANN: No I'm fucking pissed. Because this is
2 where you got me to.

3 [REDACTED] No, you do it to yourself. You were
4 literally just at graduation I don't get how you can
5 be this angry.

6 "BENDANN: Because I've been dealing you shit all week
7 and the all year and the past few years and it never
8 gets better and at this point you've used all your
9 tricks and now I'm pissed. Fuck it I'm done, I'm
10 ending this shit.

11 [REDACTED] Relax.

12 "BENDANN: You're public now I'm fucking done.

13 "T.F.: Relax I'm almost done.

14 "BENDANN: I got shit to do, and I'm fucking fed up
15 with you.

16 [REDACTED] Ok then do your shit and I'll send you good
17 videos. And I'll send them in the chat so you don't
18 have to save."

19 MS. HAGAN: I'm going to ask you to stop right there
20 for one second.

21 BY MS. HAGAN:

22 Q. Agent Walker, I'm going to direct your attention to the
23 image that was previously on Page 55 into 56, just above the
24 message "You're public now I'm fucking done."

25 Do you see that?

1 A. Yes.

2 Q. I'm going to show you Government Exhibit 225. If we can
3 pull up Government's Exhibit 225.

4 Do you recognize this exhibit? It is eight pages?

5 A. Yes, I do.

6 Q. What is this?

7 A. This is an email that was sent to ckbendann@gmail.com.

8 Q. And whose email address is that?

9 A. The Defendant Christopher Bendann.

10 Q. Can you walk us through the first two pages of Government
11 Exhibit 225?

12 A. Yes. If you look at the subject line where it says
13 "Confirming email on Instagram," this is like an automated
14 email that is letting the user of [REDACTED] know that they have
15 updated their email address to ckbendann@gmail.com.

16 Q. Okay. And page 2?

17 A. It's another email that Instagram sends to the user of
18 [REDACTED], it's letting you know that you recently changed your
19 profile, the [REDACTED] from private to public.

20 Q. And is that date and the requested change for that
21 Instagram account, the [REDACTED], consistent with what was just
22 read allowed from Government Exhibit 222?

23 A. Yes, that's correct.

24 Q. I'm going to ask that the readers continue reading through
25 to Page 95.

1 "BENDANN: Ok, fine but they better be actially good.
2 Sure take forever. You said watering plants would be
3 fast, so clearly you decided to do something else.

4 You sent a bunch, right. Walking around? Ok.

5 [REDACTED] I'm at wedding.

6 "BENDANN: Well I hope you sent a lot the yeah that.
7 was terrible, one video not doing anything. Have fun
8 at the wedding, hopefully I don't get too impatient,
9 I'm pretty fucking done with this. Okay. Oh good
10 done with the wedding and now just fucking out. Sick.
11 Such a fuck. You are clearly no longer at a wedding.
12 Ok let's send to someone at the bar with you. This
13 will be fun. K. Bye. Yeah. I'm fucking pissed at
14 you. Yeah, fucking awesome. You really fucked up
15 yesterday. And you're on insta now so great.

16 [REDACTED] I fucked up big time yah.

17 "BENDANN: So we're done then - that's it. Cause
18 this is the same shit as always. Ok cool.

19 [REDACTED] No we can still talk today. Are you at the.
20 DeMuth.

21 "BENDANN: Headed there now. Coming back from Howard.
22 County.

23 [REDACTED] Okay.

24 "BENDANN: Shower and come over. And send your
25 videos. Ok. Oh awesome. Ok well I'm home and you're

just lying on bed. I feel like you're actually done so I'm just gonna kill this. I don't want to play this game anymore. Either do what I say or I'm out. Ok I'm done - you're fucking playing games. Posted this pick with Riley so she's can see her tag. And here comes the tag. Hope this game is worth it to you. I mean you're dragging it out. Get over here. [REDACTED] I'm waiting for my food then I'm coming.

"BENDANN: Okay. Well then start sending picks and videos while you wait. Okay well the tag is still up until you start getting active. So your call. Keep going. Okay.

[REDACTED] I'm eating.

"BENDANN: I mean you had plenty of time to do this earlier. You always stall until you're busy. Well hurry up and get over here and fix your mood. You better put out a shit done and not be miserable. Okay. Yep. Okay. Not sure what your deal is okay but I'm losing it. Okay. It's four. Seriously. Okay. Jesus fucking Christ. I can't keep trusting you. This is fucked. What the fucked. I'm over this shit, I'm sorry you keep fucked around. I'm adding Riley and leaving her added until she accepts or younger over here. Done, fuck you. I fucking wasted a whole day on this shit. Absolutely fuck you for

1 lying again and I'm so glad Riley is going to know the
2 shit you do. How do you keep doing this. This is
3 just so fucked. You shouldn't shift Riley this coming
4 weekend, it's not going to go well at this point.

5 Awesome still doing this then. [REDACTED] what the fuck,
6 where did you go. Why do you do this shit. Ok.

7 [REDACTED] I actually slept for 20 hours straight.

8 **"BENDANN:** I'm calm about this but I need you to fix
9 it this afternoon.

10 [REDACTED] Okay.

11 **"BENDANN:** You can send some videos now before three.
12 Okay. Cool. Yep. Go silent again. Awesome. Yeah
13 fucking awesome. You're gonna fight me every step of
14 the way. Yep. Cool.

15 [REDACTED] Welp, I think I know why I'm sick.

16 **"BENDANN:** You have COVID.

17 [REDACTED] Hahahaha. Most likely. My dad pretty much.
18 confirmed he has it.

19 **"BENDANN:** Oh awesome. Guess you're not working this
20 week anymore. Or visiting Riley. Yah good stuff.

21 Well a very convenient excuse like always. Guess
22 you're just going to be sending a lot of videos and
23 picks. Well your dad doesn't seem that worried that
24 you have it since he just told you to go out. So
25 guess that's all good. Looks like you're free to come

over here now. Awesome see you in a few. Ahh. Cool.
Yeah. There you go again. Fucking sick. And you
went on fucking snap too. Awesome. I try to ducking
give you so many chances and you just fuck with me.
every goddamn day it's a different fucking story. Let
me tell you if you go see Riley and I haven't seen you
a shit ton, I will unleash ducking hell. I don't give
a fuck anymore. You pull such fucking bullshit all of
the time and tell me to calm down when all you do is
try to piss me off. Well I'm not having it anymore.
I'm literally in a meeting.

"BENDANN: I hope you're ready, you were on snap and
you were texting so you can clearly answer now and you
also fucking ignore me from 230 to 3 so you know what
you're doing is absolutely fucking bullshit. Fucking
bullshit.

I told you 7. Idk why that's so hard to
understand? Shut the fuck up with that attitude. You
told me yesterday. And the day before. Why the fuck
do you think you get to set times. And then never
keep them. Honestly. Fuck you. I'm making your snap
public. Fuck you. Your public.

MS. HAGAN: Can I stop you right there, Mr. Zelinsky.

BY MS. HAGAN:

Q. I'm going to show you, Agent Walker, Government's

1 Exhibit -- Court's indulgence. Government's Exhibit 225.

2 Moving on to Page 3.

3 Can you tell us what is depicted on Page 3 of Government's
4 Exhibit 225.

5 A. Yes, this is an email from Instagram to update the user
6 ██████ to the ckbendann@gmail.com on 6/7/2022 that they
7 recently changed their account from private to public.

8 Q. Is this date June 7, 2022 on Page 3 of Government's
9 Exhibit 225 consistent with the date of the chats that we just
10 listened to?

11 A. Yes, it is.

12 Q. Please continue reading.

13 "BENDANN: Go look and see for yourself. I'll tag
14 you and shit soon. Fucking asking me what about your
15 lying as is hard to understand.

16 ██████ I'll be over at 7 if you can't wait until.
17 then. I'll literally do anything. No fighting it.
18 If you just wait till then.

19 "BENDANN: Why the fuck 7 you're not golfing anymore.
20 And you still haven't sent shit.

21 ██████ I am golfing still.

22 "BENDANN: Ahh yeah see there it is, still doing what.
23 you fucking want. Guess we'll see if anyone notices
24 your tag before 7 the tired of your shit. You fight
25 me every step of the way, even on your terms. I'm

1 fucking done. You do what I say now and if you don't
2 that's fine, you can deal with the consequences.

3 "***** I'll literally doing an alcohol course.

4 Because I got arrested. I'm not golfing.

5 **"BENDANN:** You just said you're golfing still get.

6 your fucking lies straight. Just added a fucking sick
7 picture to your Instagram. It's blurry so it goes
8 through.

9 **"T.F.:** Just look at my location.

10 **"BENDANN:** I where you are now, you are trying to pull
11 7 so you can still golf. After bailing on me all last
12 week this weekend and Monday and Tuesday. I told you
13 I have a breaking point and you are dangerously close
14 cause you like to fucking play games. So clearly you
15 don't care enough or you think I'm a pushover. And
16 I'm through with your shit. Already said I know where
17 you are. You're taking a classes could easily be
18 sending picks but your Insta is still up. And if you
19 go to golf or go silent on me like you always do, I'll
20 tag you to get your attention.

21 "***** It's four hours and I'm going to half of it
22 cause my mom is making me do it.

23 **"BENDANN:** Again the class is the issue. You're.

24 trying to argue bigger shot that where you are now.

25 You haven't given a fuck the past week so why care

1 suddenly now. Oh cause it's only when I lose my mind
2 that you realize how close everything is too being
3 fucked. I'm ready. I'm done. Fucking shoot me now
4 and get this done with.

5 [REDACTED] I've been doing it. I have four hours left.
6 It's an 8 hour class. Look it up. I'll literally do
7 anything tonight. Just wait for tonight.

8 "BENDANN: You were on a fucking advisory meeting,
9 you have COVID, you have gold, you have work, you
10 slept 20 hours after telling me you would be over
11 after breakfast.

12 [REDACTED] I literally will be over in three hours.
13 Watch a movie or something.

14 "BENDANN: Send a video right now fully naked and
15 Walking around and I will make it private. Yep.
16 Okay. Got it. Cool I will tag you then. Told you if
17 you went quite this will happen.

18 [REDACTED] Still here.

19 "BENDANN: Where's my fucking video then you can
20 clearly get up and do this. No volume and only
21 mediocre. But ok you are back to private, when you
22 come tonight remember you do anything and you do it
23 with a good attitude. That clear? When you get here
24 take your clothes off in the car.

25 "T.F.: It's dumping rain. I'll text them off on the

1 porch.

2 "BENDANN: No in the car. You're getting wet.

3 Remember you said you would do everything. Hurry up.

4 Strip fully in car. You can bring in your clothes,

5 but you need to be naked now.

6 BY MS. HAGAN:

7 Q. If I can stop you there one moment.

8 Agent Walker, looking at this date June 7, 2022, were

9 there videos that were recovered in the iCloud account for

10 Mr. Bendann in the expunged folder that involved [REDACTED]

11 from this date?

12 A. Yes.

13 Q. And we'll get to those later. I just wanted to confirm

14 that date. If you could continue reading. Thank you.

15 [REDACTED] Holy shot I woke up on Wallace's living room

16 couch.

17 "BENDANN: Yeah you had a night. Okay. Yeah Awesome.

18 So you're kinda back at it and this seems like bad

19 timing on your part. Yeah. [REDACTED] really? You were

20 on snap multiple times this morning and didn't snap

21 back, you went home from Halpert's and

22 aren't responding. This is going to be a problem.

23 Awesome. Yeah, okay. Don't leave me without

24 resolving this.

25 [REDACTED] Sorry. I slept at Wallace's and didn't tell.

1 my mom and she's mad at me.

2 "BENDANN: Yeah and then you were on snap at his
3 house and didn't snap back and now you've been
4 ignoring me. And you never sent and you ignored me
5 last night while being on snap.

6 [REDACTED] That's not true. I passed out on Wallace's
7 couch. I did mess up on the videos and pictures and
8 I'm sorry about that.

9 "BENDANN: You were on snap you till 2:00 a.m.

10 [REDACTED] I will send when I stop at a rest stop.

11 "BENDANN: Dude, you can send good videos from a rest.
12 stop. This is fucked. You know this is the one thing
13 I asked you not to mess up.

14 [REDACTED] That means I fell asleep with snap open
15 because I passed out at like midnight.

16 "BENDANN: No you were on and off until like 140.

17 "T.F.: Weird cause everyone said I passed out at
18 like midnight.

19 "BENDANN: This isn't okay. You literally could have
20 done this stuff before you left. But you wanted to
21 get on the road. I told you this will be bad.

22 [REDACTED] I will send good ass videos at a rest stop.
23 Just calm down.

24 "BENDANN: You can't send good ones at a rest stop
25 because you will be in public and scared to take

1 everything off. I'm mad because decisions you may
2 continue to prove that you aren't interested in doing
3 the bare minimum to make this work. And you knew I
4 was texting you this morning to resolve this and you
5 chose to ignore me until you were on the road.

6 [REDACTED] I didn't know that. I was dealing with my
7 COVID dad.

8 "BENDANN: Bullshit, you could have snapped at.
9 Wallaces before you left your were up for like an
10 hour before you went home and then you could have
11 snapped when you showered at home, you knew that was a
12 good time and fucked ignored me instead. Absolute
13 fucked bullshit. Yeah ok fucking awesome.

14 [REDACTED] I'll send in rest home.

15 "BENDANN: Well good luck with this, I try to give
16 you chances and you just fuck it up. You can't
17 possibly send good once in the rest stop.

18 [REDACTED] I will watch.

19 "BENDANN: I mean you're gonna need a ton and fully.
20 naked and I don't think you can do that well. I have
21 something to do at 1. Yeah, okay.

22 "T.F.: Okay.

23 "BENDANN: I don't know what that means.

24 [REDACTED] I'll stop once I get through Delaware.

25 "BENDANN: That might be an hour. Cool just passed a.

1 travel plaza in Jersey. Yep that's fucking awesome.
2 Okay. I'm done. You're fucking around again. Yep
3 you fucking did that on purpose knowing I need to go
4 soon. Ok fucking awesome have a great trip and enjoy
5 explaining your trips on Insta to Riley. Adding her
6 now. Fucking sick. Ok going to my movie now won't be
7 able to respond or take anything down for a while, but
8 that was your call. Have a great drive fuckboy.
9 Wonder when she'll notice. Good luck. When you get
10 to Connecticut and haven't sent I'll DM or let her see
11 your posts.

12 [REDACTED] Been zoned out, stopping at next stop.

13 "BENDANN: Yeah you fucked this. I'm still in my.
14 movie but you fucked up and this isn't a simple fix
15 with a few picks later. I'm fucking done. Awesome
16 good work. Time to DM Riley. Okay sorry you chose
17 this.

18 [REDACTED] Nah, I'll fix it.

19 "BENDANN: Well about to be too late. Ok sorry it's
20 going.

21 [REDACTED] I told you when I'm gonna send stuff. I'm
22 with the family.

23 "BENDANN: Yeah and I told you it's probably too late.
24 I'm pretty done with your shit. Hope you had a nice
25 visit. You're gonna be sonpissed when she sees this,

1 but it's your fault for trying to ignore me and not
2 doing what you said you would from the start. Sorry
3 the only way out is to fuck up your shit but you're
4 choosing to ignore me so it's up to you. Ok here goes
5 nothing. Sorry you pushed me to this. Sorry you are
6 did this. Start easy but I'm done. Next thing up is
7 maybe a picture. Ok so you were on time for more.
8 Got it, time to send a picture ok. I'll ease in with
9 this but since you can't respond this might elevate
10 quickly. Fuck you. You're jumping on and off Insta
11 and I'm done with it. Have a great fucking weekend
12 and I can't wait for Riley to learn all about you. Ok
13 fuck you you're back on. I'm sucks if this shit. I'm
14 absolutely fucking sick of you and your goddamn can't
15 do one fucking thing right attitude.

16 [REDACTED] Dude I'm at dinner look at location.

17 "BENDANN: And you're on fuckingininsrahram and have.
18 been so fuck off with that. Honestly at this point I
19 don't give a fuck why you come up with, I told you to
20 deal with this shit before this weekend and you put it
21 off every step of the way. I'm about to make a shit
22 ton more time for you. You won't have to worry about
23 Riley anymore after tonight. So fuck off can't wait
24 for her to see your shit.

25 Hahahahahahahahahahaha fuck off, I feel better

1 already. It's started. Following her now. Just
2 waiting for the add back.

3 [] [] [] [] Relax. Idk what you want me to do.

4 "BENDANN: Nope.

5 [] [] [] [] I'm hanging with entire family.

6 "BENDANN: Not much you can do now. Told you what to.
7 do earlier this week and you didn't take me seriously.
8 So now enjoy the consequences.

9 [] [] [] [] Ok awesome.

10 "BENDANN: You've made no effort to fix anything.

11 either so I really don't feel like doing this anymore.

12 Yeah it is awesome, thanks for all of this. I'll be

13 messaging her again now that I follow her unless you

14 figure out something orett damn fast cause honestly

15 I'm sick of your lying ass and the fact that you think

16 you can do whatever you want and that I'm not serious.

17 You pushed mean too far. And it looks like you're

18 going to try to ignore me again. Awesome. Good for

19 you. Food for fucking you. Ok sick well thanks for

20 that again. Guess we're really doing this cause you

21 don't give a fucking shit. Ok that's your last

22 warning. I can't keep giving you outs of all you do

23 is fuck up. I have to send to Riley now because you

24 won't deal with this shit. This is 100 percent on you

25 at this point. Fucking answer. Answer. Answer.

Answer. Answer. [] [] [] []. Fuck boy. Answer. Fucking

1 answer my text. You are about to throw out
2 everything. Ok I warned you. This is it. 10. 9.
3 8. 7. 6. 5. 4. 3. 2. 1. Ok sorry I gave you a
4 second chance and you didn't want it. Ok I messaged
5 her. Sorry you started this it's not too late."
6 **MR. PROCTOR:** Your Honor, at this point --

7 **THE COURT:** Private channel.

8 (Whereupon, the following conference was held at the
9 bench:)

10 **THE COURT:** Mr. Proctor.

11 **MR. PROCTOR:** I'd like to renew our objection.
12 Cumulative.

13 **THE COURT:** Overruled.

14 (Whereupon, the bench conference was concluded.)

15 **THE COURT:** Ms. Hagan, you may prompt your readers to
16 continue.

17 **MS. HAGAN:** Yes, if you could please continue. Thank
18 you.

19 **"BENDANN:** But you have to act fast. Just send her
20 the hi. Yep. Ok. Fix shit. I can delete messages
21 until she sees them. It's not too late. Ok this is
22 fucked. Why are you doing this. Awesome. Oh. Yeah.
23 So it's 1:30 and I'm still up and fucking pissed. And
24 you think this is a joke cause you stopped responding
25 and never sent anything. I don't get it. What else

1 to prove I'm serious. Already started messaging. I
2 guess I just need to out it? That's what it takes?
3 You just want everything public? Your Insta is up and
4 running."

5 MS. HAGAN: If I can stop you right there.

6 BY MS. HAGAN:

7 Q. Agent Walker, I'm going to show you again Government
8 Exhibit 225, specifically Page 4.

9 If you can explain what is on Page 4?

10 A. Yes. This is an update email from Instagram to the user
11 [REDACTED] addressed to ckbendann@gmail.com, dated 6/11/2022. And
12 it's again letting them know that they changed their Instagram
13 account from private to public.

14 Q. Is that date consistent with the date in which we've just
15 been reading these messages, June 11, 2022?

16 A. Yes, it is.

17 MS. HAGAN: Please continue reading.

18 "BENDANN: Okay. Fix shit today ignoring me is going
19 to make shit even worse.

20 [REDACTED] Okay. Can you take everything down that I
21 Will fix shit because RN it's too late.

22 "BENDANN: Why what does that mean. I took down your
23 photo and I sent messages. Now do your part. This
24 didn't have to go this way. You're doing it again
25 already. Deal with this.

1 [REDACTED] Okay.

2 **"BENDANN:** That was lots of questions explained.

3 Jesus I can't do this. You just keep making me mad,
4 really.

5 [REDACTED] I just sent some.

6 **"BENDANN:** I saw. But explain and communicate.

7 [REDACTED] When I shower can I just like FaceTime you.

8 **"BENDANN:** Yeah, but I mean text an explanation.

9 [REDACTED] I was literally just out to dinner for three
10 hours with her parents then came back and went
11 straight into drinking with the family. Like, I
12 didn't have time for my phone. I'm sorry. I've got
13 to go eat breakfast with them so I'll be off the phone
14 for a little.

15 **"BENDANN:** You were on the phone and let's not act
16 like it was just the three ours. You did this by
17 leaving without doing anything and then fucking up the
18 drive. I can leave you alone this weekend but you
19 need to commit to some serious time and deals when you
20 are home. Like no more of your shit cause I can't
21 deal with that anymore. Can you just send a snap of
22 your whole body exactly as is now. You literally said
23 you were having breakfast now it's lunch. Do I
24 literally need to start up again? When are you going
25 to read my message and commit or not? Huh.

Sorry I missed this. I'm about to play music.
in car and text pop pop so don't send anything. Only
snaps.

"BENDANN: You aren't responding on snap so. Eh.
Type back in snap. Okay. You got to fix this. Okay.
You got to go do this I'm losing my patience. Type up
saying everything you will do and save it in snap.
Okay. I'm about to start messaging Riley again. You
can respond I'll reach out through her. Okay fuck
boy. Why do you always go back to this. Okay.
Driving to DeMuths then putting your Insta back up if
you haven't responded. Okay. I can give you until
five but I'm putting your pic back on your Insta. If
you haven't answered by five I'll reach out through
her and see if you answer me that way. Okay you're
live again.

I'm here. I'll hang two times W one of those.
being late night.

"BENDANN: More than that and you need to say what.
you'll do be specific.

That's what I'm saying.

"BENDANN: You're making an offer now. Be specific.
as. to what I can expect on those trips and this is
just to make up for Thursday and Friday and today.
Dude what the fuck. You said you were here and now

you're not. Ok awesome. I will reach out through Riley. You stop answering and you aren't being specific. And I haven't gotten what you promised yesterday. So good for you. You did a good job resisting. Hope this is worth it. Ok it's 5. Sorry this is the way you're choosing to do this. Tell Riley to check her Insta I'm going to message her. Ok your Insta is public and you're tagged. You're really gonna make me do this? You had Riley block me so now I have to move on to the rest of your team ok that's much better than fucking dealing with this right. Cool. Ok. I don't want this. Just fucking respond and do what I ask so I can leave you alone until you get home. I just want this to fucking end this weekend and you keep make it worse. Just fucking fix shit. Fix shit. Stop and fix shit. I need to not have this right now. Can you please fix shit so I can calm the fuck down and leave you alone.

██████ Wholly fuck, my phone has been dead for like. 15 hours.

"BENDANN: Dude.

██████ I get home tomorrow.

"BENDANN: Ok I just need to calm down you're super stressing me out and I don't like.

██████ Ok I can most likely hang Tuesday after

1 Gilman LAX camp at noon and send pics and video
2 tomorrow night maybe a FaceTime.

3 "BENDANN: Ok why can't you hang tomorrow?

4 [] [] [] [] Cause I'm still in trouble and got to fix.
5 Shit with parents.

6 "BENDANN: Oh ok well can you commit to serious time.
7 At McCrickards on Tuesday with anything I say?

8 [] [] [] [] Ya I'm going to breaky I'll talk to you after.

9 "BENDANN: Well sounds good. Long breakfast.

10 [] [] [] [] Sorry we are way into New York.

11 "BENDANN: Ah gotcha. Well that's fun. Okay. I'll
12 leave you alone today except normal snaps. But
13 tomorrow night is a lot and Tuesday is an anything I
14 want day after lacrosse and we can talk then. Ok.

15 [] [] [] [] Yup. Got it.

16 "BENDANN: Ok cool. You died on me. Emphasized "you
17 died on me." What happened yesterday? Ok. Why you
18 back in New York. Nice. Ok cool. Welcome home.

19 [] [] [] [] I'm home.

20 "BENDANN: You got stuff to do.

21 [] [] [] [] Not in New York.

22 "BENDANN: I see that.

23 [] [] [] [] I was in New York to see sisters.

24 "BENDANN: I sent you that text hours ago. You got a.
25 Lot of stuff to do tonight. And then I expect to see

1 you tomorrow after lacrosse too. Sonyeah. Really
2 fuck boy. Well you clearly decided to fuck around
3 again.

4 [REDACTED] Just woke up from nap. Playing golf then
5 will send.

6 "BENDANN: You can send a bunch through the night
7 film youbpeeing before you go.

8 [REDACTED] I'm in the car.

9 "BENDANN: You always do this. Improve your snap
10 game. Send when your home and changing.

11 [REDACTED] Ok.

12 "BENDANN: You're home.

13 [REDACTED] Doesn't mean I'm changing.

14 "BENDANN: Yah I know I was saying send when you get
15 home and when you are changing.

16 [REDACTED] Yah I'm not changed.

17 "BENDANN: Yeah so just send the ones from when you
18 Get home. Two different moments. Ok. This how this
19 gonna go?

20 [REDACTED] Talking with my family. Gimme a sec jeez.

21 "BENDANN: Don't give me that bullshit attitude ok.
22 Half hour later. Sick. Typical, give me a sec mean
23 over an hour. Ok well this is fucking great start.
24 Fucking awesome. Oh so yeah this is gonna be bad
25 cause you're home now and pulling the same shot. Ok

1 so clearly need to create a new account to reach out
2 Riley again. Good I'll work on that and maybe just
3 add Pat to the first one. Ok. This is such bullshit.
4 It's not okay. This is really just not okay at all.
5 Okay.

6 [REDACTED] I slept for 20 hours I think. My b. I'll be
7 over today.

8 "BENDANN: Ok like for a long time and after camp.
9 When does it end? Ok.

10 [REDACTED] Noon-ish I think.

11 "BENDANN: Ok let's plan on like 1. Does that work?

12 [REDACTED] I'm playing golf with [REDACTED] then I can.

13 "BENDANN: Jesus ok, when is that going to be? I
14 don't want to wait around all afternoon and then have
15 you show up at 7.

16 [REDACTED] Ok. It's gonna about at like 4.

17 "BENDANN: That's when you'll be free or that's when
18 you are golfing?

19 [REDACTED] Honestly might be closer to 7 if I have to
20 eat with them. I'll ask her now. We are golfing at
21 1:40.

22 "BENDANN: Ok well then you can start snapping now
23 and you need to send me your nudes now.

24 [REDACTED] Ok.

25 "BENDANN: You can send when you go home but don't

1 forget like you did last night. [REDACTED], you need to
2 psych yourself up for this. We can talk but today is
3 really big deal I got it.

4 [REDACTED] Got it.

5 "BENDANN: Ok and don't jerk off until you get here.

6 [REDACTED] Ok.

7 "BENDANN: But you can get hard for your pictures.

8 That's so late but fine expect to be here for a while
9 and anything goes you can send lots of pics between
10 now and then. Why don't you start. Get naked. Dude.
11 I said send when you got home. You're home. Stop
12 fighting me on this. You know what I want?

13 [REDACTED] I told you I had to golf with my mom. I can
14 send more when I'm done golfing that are actually good
15 before I eat dinner.

16 "BENDANN: You said 1:40. You've been gone for 20
17 minutes. Okay. I'm expecting a lot. You have a shit
18 ton to corrct.

19 [REDACTED] Yup.

20 "BENDANN: You keep saying ok but you aren't off to a
21 good start.

22 [REDACTED] Ok.

23 "BENDANN: Ok so send picks in text. Ok. Ok cool.
24 Yeah ok good job as usual. No actually this is
25 awesome and definitely putti me in a better mood.

1 Love when you decide to sit on snap and ignore me.
2 It's almost as if you're saying I'm on my fucking
3 phone and don't give a shit about responding to you
4 which in turn makes me wonder how can I make you
5 respond to me. Maybe if I just sent Pat or Riley a
6 little message. Fucking awesome.

7 [REDACTED] I'm eating. Then I'll be over.

8 "BENDANN: Hurry up and anything goes. Text when you
9 get here. But you know what to do before getting out
10 of your car.

11 [REDACTED] Where are you?

12 "BENDANN: McCrickards. Hurry up while there is.
13 still good light.

14 [REDACTED] Still at din table.

15 "BENDANN: Well you should hurry because if light
16 fades here we're gonna have to find someplace with
17 good street lights. Really? You're just jumping on
18 and off snap. Hurry up you keep pushing shit back.

19 [REDACTED] Comin now. I gotta send one pick with you
20 wit my shirt on inside then I'll walk around naked.

21 "BENDANN: Bring shirt. Leave clothes in car. You.
22 Can bring your shirt in and walk in naked and the --
23 put it on for picture. You didn't get your shoes.

24 Did all that make sense, can you actually help me with
25 that.

1 [REDACTED] Yes it made sense. And yes.

2 **"BENDANN:** Ok cool. I hate when I'm mad at you. I'd
3 rather just be on good terms and talk.

4 [REDACTED] Yup me too.

5 **"BENDANN:** Ok well let's get through this and get.
6 There. You know what I need."

7 **MS. HAGAN:** Let me stop you right there.

8 **BY MS. HAGAN:**

9 **Q.** Agent Walker, the date of these text messages that we were
10 just reading, June 14th into June 15th, 2022, were there
11 messages that were recovered on the iCloud account for
12 Mr. Bendann in the expunged folders that involved [REDACTED]
13 on this date of June 14, 2022?

14 **A.** Yes.

15 **Q.** Before I forget to ask you, with respect to the Instagram
16 emails that you were explaining from Government's Exhibit 225,
17 where it was notifying the user of the [REDACTED] account that it
18 was going from private to public, were those found on the 1B1
19 device, the iPhone 11?

20 **A.** Yes.

21 **Q.** Belonging to Mr. Bendann, okay.

22 **MS. HAGAN:** Your Honor, with the Court's permission,
23 if we could skip ahead, just in the interest of time, to
24 Page 260. If I could have the readers begin on that page with
25 the Court's permission?

1 **THE COURT:** 260.

2 [REDACTED] Holy shit, Riley just said she saw
3 everything on my iPad.

4 **"BENDANN:** Literally just texted. I have no idea.
5 what you're talking about.

6 [REDACTED] It's all over.

7 **"BENDANN:** What did have on your iPad?

8 [REDACTED] Every text we've ever had.

9 **"BENDANN:** What the fuck did you do?

10 [REDACTED] Relax I'm going to talk to her.

11 **"BENDANN:** I mean, holy shit.

12 [REDACTED] Either way I can't get onto Snapchat forever
13 cause I can't get text messages from cellular shit.

14 **"BENDANN:** This is the fucking worst. I can't
15 Fucking deal. I need you to fix everything. Why the
16 fuck did you do this. Ok. Yo.

17 [REDACTED] I fixed it.

18 **"BENDANN:** Ok can you get your iPad back to snap and
19 can you explain what you did to fix it. I kind of
20 need details.

21 [REDACTED] I literally can't get onto snap.

22 **"BENDANN:** Why can't you use the iPad? You're gonna
23 kill our streak. You've logged into snap on my phone
24 before without a code. Can you explain your
25 conversation with Riley.

1 [REDACTED] There I got it. I'm with her

2 **"BENDANN:** Ok cool. Can you explain later then I'm
3 kinda concerned.

4 [REDACTED] Yes just leave me alone for a little. No
5 more texts and I'll tell you.

6 **"BENDANN:** Okay.

7 [REDACTED] I'm sleeping at Riley's just don't
8 text now is not the right time. Goodnight I'll
9 explain tomorrow when I'm not with her. Please just
10 don't respond to this. I'm sorry. Everything fine
11 with Riley. She just found out about the Instagram
12 but I got out of it. We've just really got to chill
13 on the texting because she pretty much has caught on.

14 **"BENDANN:** How did she find out about the Instagram.
15 and didn't it have pictures ached. Attached. She
16 knows it's me cause she blocked my normal snap. Or
17 normal Insta. Like there's more to this than you're
18 saying.

19 [REDACTED] No, it's all bud. I'm just saying she is
20 worried and sees the amount you snap and text me so we
21 gotta slow all that down. I'm sorry. It's all swept
22 under the rug don't do anything crazy while I'm here.

23 **"BENDANN:** It's all bad? But like what does she know.
24 See this is fucked. You're not telling me something
25 and this is not what you said would happen.

1 [REDACTED] No it's fine. Just don't do anymore. It's.
2 All swept under the rug. Stop worrying.

3 **"BENDANN:** So anymore what? Literally haven't done.
4 Anything the whole time you've been n London and it's
5 clearly not swept under the rug. She must know stuff
6 or else why would she have blocked me and mentioned
7 Insta. Like that wasn't linked to nothing. It had
8 shit. Like I feel like either it was bad or you're
9 just saying this so you don't have to talk to me
10 anymore. Like I thought we were friends.

11 [REDACTED] We are friends now. I'm just saying we can't
12 have anymore freakouts.

13 **"BENDANN:** Yeah but that's what I'm saying. I didn't
14 have one while you were in London. Like you're saying
15 I can't text now but like I didn't do anything.

16 [REDACTED] IK, it's just stuff from prior.

17 **"BENDANN:** Did you go through your iPad and see what
18 Was on there.

19 [REDACTED] No she just like has seen you freakout on me
20 through snap before so she is worried.

21 **"BENDANN:** But she knows about Insta so she must have
22 seen shit.

23 [REDACTED] So I'm saying I don't have cellular data to
24 respond rapidly. And if I'm on her Wi-Fi it's usually
25 w her so I can't be opening up my phone to lots of

1 text and snaps.

2 "BENDANN: Yeah, but she saw Insta is what I'm asking
3 about.

4 [REDACTED] No, she just brought it up cause of the DMs.

5 "BENDANN: From what.

6 [REDACTED] Her phone. She unblocked it and saw all the
7 his you sent her.

8 "BENDANN: Yeah but that was all from the other
9 account not the current one and I deleted those
10 messages.

11 [REDACTED] Just don't worry about everything I can't be
12 texting about all of this cause she is worried. I'm
13 sorry about all of this. We are friends and I need
14 you to understand.

15 "BENDANN: Ok I guess explain later but like I still
16 want to hear about London and stuff and you promised
17 that would happen.

18 [REDACTED] Yah of course. I'm sorry this is happening
19 I'm just trying to be cautious.

20 "BENDANN: I get it just kinda sucks cause I was
21 looking forward to it.

22 [REDACTED] Yeah, I'm sorry. I'm still going to text a
23 lot. But I can't snap a ton. Not text a lot. Just
24 like fill you in w important stuff. I'm sorry. Ok so
25 here it is. Riley knows. I told her everything that

1 happened but I told her that it was all done with.
2 I'm so sorry but she found out and literally has said
3 she won't tell a soul. She literally just does not
4 want me to talk to you at all for a little then she
5 will feel better. I really do not know what to do
6 because I want you to still be one of my friends but
7 Riley knows everything that has happened and if I
8 still talk to you she says she is going to do
9 something about it. As hard as it will be for you I
10 think you have to understand that we cannot talk for a
11 little bit or else our lives could be fucked forever.
12 I honestly really like your company when we aren't
13 doing the fucked thing that was going on and as much
14 as you think I won't I will miss that. You have been
15 a big part of my life since you were my advisor in
16 eighth grade but I think it is finally time for this
17 to get resolved. Riley saw every single text that was
18 ever sent, and I had to explain it her. I promise
19 nothing bad will happen as she will say that she is
20 going to keep her mouth shut unless me and you keep
21 communicating. I honestly just really hope you do not
22 freak out from this text and risk ruining both of our
23 entire lives by revealing everything. I'm so still
24 sorry Bendann that it has to end like this but I will
25 still see you around town. I honestly meant

1 everything I said before I left for Europe but I
2 wanted to just be friends but once Riley found out she
3 gave me the choice to either stop talking to you or
4 she does something about it and reveals everything. I
5 pray to God that you have it in you to just go about
6 everything normally and I will literally be still very
7 friendly with you when I see you. But I'm sorry that
8 I'm blowing off an entire relationship because I do
9 mean that I wanted to be friends but I am sorry we
10 just really can't right now where shit will happen. I
11 hope to see you in Baltimore and I hope you choose to
12 not ruin our lives and just deal with what's going on.
13 I will see you soon, goodbye.

14 "BENDANN: So you fucking threw me under the bus to
15 save yourself. Fucking awesome. I don't give a shit.
16 Tell her to go fuck herself. Glad you're staying with
17 a girl you don't love and fucking over a friendship.
18 Good choice. She's going to fuck shit up when you
19 dump her anyways. You got a week left. I don't want
20 anything. I'm going to make it to my birthday and
21 then piece out. Enjoy your last week.

22 "Honesty: Honestly, are you sure that you want to ruin.
23 Our lives? I didn't say our friendship was over
24 forever. I'm just saying that we can not talk right
25 now or our lives are changed forever. If you honestly

1 ever gave a shit about me then you would understand
2 that this needs to happen. I honestly do not know why
3 you are willing to ruin both of our lives. Like we
4 both have good lives and there is no reason to ruin
5 it. I'm so sorry but I actually see myself spending
6 the rest of my life with this girl and idk why you're
7 saying it's going to end. I trust her and it won't
8 end horribly. Just trust me and we can be friends in
9 literally under a year. I'm sorry this has to
10 happened but it really does. If you want to end it
11 then do it and ruin both of our lives. It's really
12 not worth doing that because that will ruin so many
13 people we were close with. Just please try to
14 understand where I am coming from that this has to
15 happen or every friendship/relationship you have ever
16 made is ruined.

17 **"BENDANN:** I'm saying it because that's what you told
18 me that she's not your confident and you don't feel
19 like you can talk to her. I get that she is there
20 with you right now and that's why you're saying this,
21 but no, I don't believe you guys will last. I think
22 you are letting her manipulate you and you fucked all
23 of this up. I was ready to move on. But not like
24 this and not with you being so dishonest.

25 □□□□□ I understand that this has all been a big

1 part of your life and it's going to be hard but no
2 matter the relationship shit will be released so there
3 is no point in making it happen now. I have been
4 talking to her and she just is so worrying that we are
5 still talking. I'm so sorry Bendann but this can't
6 happen any more or else horrible things will happen to
7 both us. This was a good run and it's a very
8 unfortunate way for things to end but it has to happen
9 now or else our lives will be changed permanently
10 forever. I'm telling you we will be friends in the
11 future but just for a while we can not have my
12 conversations or anything. I'm so sorry but goodbye
13 for now.

14 "BENDANN: Yep, I understand, Friday, hope she knows
15 what she is doing.

16 [REDACTED] Okay incredible. I honestly thought you gave
17 a shit about at least one of our lives.

18 "BENDANN: Not mine. And barely yours if you're
19 letting her do this.

20 [REDACTED] You have forced me into a fucked up
21 relationship for a couple years and I think that it's
22 time to finally say enough. I don't want that side of
23 things anymore as it honestly has fucked me up in a
24 couple of ways. I would be so okay with just being
25 friends, but I just can't do that for a little bit of

time. If you are willing to be friends in the future then we can have no communication for now.

"BENDANN: You fucked this and you're falling back on her. Everything is on your terms. Sorry you fucked me and also isn't your phone with the Halperts right now so they are probably seeing this. Good run. Fuck you. Fuck you Riley. Also enjoy the place the parents are taking you guys that I recommended. Ok it's done, sorry. People will start to hear by Friday night. It's sent. So you're doing this. Sent you a message. Ball is in your court now. Cool. Ok, I see. Tell Riley thank you for this. Guess we're doing this then. Sorry.

██████ I'm not responding because I'm thinking. You've got to give me a little time to think.

"BENDANN: Well that's bullshit. You didn't even read my message on snap.

██████ Yah I did I swiped over.

"BENDANN: I mean it would show that it has been read. Ok. Yeah so this isn't working. Haha awesome, this is cool. Well looks like I am about to lose it cause you're trying to play games.

██████ Just relax, I'm thinking about everything.

"BENDANN: There's nothing to think about. I told you what the issue is.

1 [REDACTED] Yah Ik and I'm thinking about my response.

2 **"BENDANN:** Well, you've already given a response. I
3 see what you're doing. I thought this would work.
4 You promised it would but then you fucked it all up.
5 And I'm sure you didn't tell Riley the whole story
6 either. Don't worry, I kept my receipts.

7 [REDACTED] I will just keep the snaps casual but you
8 can't threaten me anymore if we are going to be
9 friends."

10 **MS. HAGAN:** If I could just stop you there. Your
11 Honor, in the interest of time if I could ask the readers to
12 move to Page 317.

13 **THE COURT:** 317.

14 **MS. HAGAN:** Yes, Your Honor. My intention was to then
15 read through 387 and stop there for this exhibit, Your Honor.

16 **THE COURT:** Okay.

17 **MS. HAGAN:** May they continue, Your Honor?

18 **THE COURT:** One moment. 317. You may resume.

19 **"BENDANN:** Fucking awesome. Yeah, that's it.

20 [REDACTED] Aren't you going stone harbor rn. How could
21 you be in a bad mood.

22 **"BENDANN:** Because of you.

23 [REDACTED] Okay. Sorry, I was just on a vacation w no.
24 service anywhere.

25 **"BENDANN:** Except for the snaps you posted and sent.

1 It's not just about this trip. I told you I'd think
2 about it until Friday and I did and I'm fucking done
3 with it. Ok.

4 [REDACTED] Jesus well can you at least wait until I'm
5 not in London.

6 "BENDANN: It's not going to be me. It's going to be
7 Riley. I'm just saying clearly this friendship thing
8 isn't worked out. So we're going back to the old way.
9 If you don't like it tell Riley and she can do what
10 she said she would. If you don't want to tell her I
11 will. You just got stuck between two people now but
12 you told me you'd figure shut out and you clearly did
13 what you always do which is just avoid shit. So
14 thanks for not talking to me at all yesterday. Just
15 kind of proved the point that this doesn't work. And
16 Riley's threat works for me. I'm good with it. It's
17 what was going to end up happening anyways. It's your
18 call when it happens. But if you want the rest of
19 London you should start snapping and texting more. If
20 you go this silence route that you usually do I'm
21 going to lose it and message her soon. Ok. Ok well
22 there you are. So it looks like you want to do this
23 now. Ok. I'll reach out to her and then she can do
24 what she wants. Time to reopen your account. Ready.
25 Seems like this is going to be it. Just want you to

1 know it's done. Ok cool. Bye. Nice knowing ya.

2 [REDACTED] What?

3 "BENDANN: Haha okay.

4 [REDACTED] Can you just relax please. Like please I'm.
5 begging you. You are in your first spot in the world
6 why are you worried about this? Just please go on a
7 walk or something please I'm sorry.

8 "BENDANN: Because you decided to fuck with me on my.
9 Birthday and all last week and I realized you only try
10 to do what feels good to you.

11 [REDACTED] No.

12 "BENDANN: And I'm tired of it.

13 [REDACTED] I just had a bad weekend I'm sorry. My
14 parents are so mad at me rn and my grandfather is very
15 sick and I just have been sad. I'm sorry. Can you
16 please just hold off on this stuff rn. I am just in a
17 shitty place. I want to be home and I promise I will
18 be better at home.

19 "BENDANN: Look, unjust Googled fastest way to die.
20 last night. By the way a helpful hotline comes up, I
21 get it. But you have been doing this shit to me
22 forever and you just made it worse with Riley. I can
23 wait until you get home. But you need to snap more
24 and actually fucking talk like you said you would.

25 [REDACTED] Ok I will. I'm back in London. I'm sorry.

1 I just really have been off.

2 "BENDANN: You always say that. Literally always.

3 [REDACTED] Ok, well I'm going to be home in a week. I

4 Will do better snapping and talking. I'm sorry.

5 "BENDANN: Ok, please do. When do your parents

6 arrive?

7 [REDACTED] They are here.

8 "BENDANN: Oh nice. What ya'll doing.

9 [REDACTED] They're at a play and I'm pre-gaming for a

10 club rn.

11 "BENDANN: Oh, you're not hanging with them?

12 [REDACTED] Nah, I saw them yesterday.

13 "BENDANN: Oh, ok, gotcha. You keep disappearing.

14 [REDACTED] I just took my exam.

15 "BENDANN: Ok, that's cool, but you still keep

16 disappearing.

17 [REDACTED] Wdym.

18 "BENDANN: Like at night you will be on snap a ton

19 and not respond. I'm just giving you feedback. Like

20 I feel like you always think things are going well.

21 [REDACTED] Okay I'll work on it.

22 "BENDANN: Yeah I mean ok. I just think you say that

23 A lot and you've been saying it the whole time you've

24 been gone. I guess we can talk when you get back.

25 But this whole trip has been really bad for us. Not a

1 good sample of what being friends would look like.

2 Well, you're home now so I guess we can talk.

3 [REDACTED] We can talk another night I've been traveling
4 for 15 hours today.

5 "BENDANN: Okay. Well make it a priority. So if
6 you're going to bed soon, you can come over tonight.

7 [REDACTED] I am not going to be able to come over.

8 "BENDANN: Well that's a problem ok.

9 [REDACTED] I'll talk about it when I wake up. I'm still
10 like half asleep.

11 "BENDANN: You keep putting this shit off and now it.
12 Looks like you won't be able to talk. Ok, cool. This
13 is such your typical bullshit. You literally do this
14 all the time and just keep pushing shit off. Whatever
15 I gave you plenty of time I'm done. I'll text Riley
16 and then she can do whatever. Clearly she's in
17 control of you now. Have a nice rest of whatever.
18 I'm done.

19 [REDACTED] Holy shit. I literally said that I was going
20 back to bed and would talk when I woke up about
21 everything because I can't even close my eyes because
22 my phone is just ringing."

23 MS. HAGAN: If I can stop there. Can I have the
24 readers jump to 374 and then just read 374 through 387.

25 THE COURT: 374. You may proceed.

1 MS. HAGAN: Thank you.

2 [REDACTED] What?

3 "BENDANN: You're on snap or were. And you need to
4 tell me if you're coming tonight or not. I can make other
5 plans.

6 [REDACTED] You have other plans.

7 "BENDANN: I can make them.

8 [REDACTED] With who?

9 "BENDANN: I have a friend staying at my house I can
10 go visit.

11 [REDACTED] Ok so you have stuff to do then why don't you
12 do that then we get lunch tomorrow.

13 "BENDANN: No I don't have stuff to do. I can find
14 stuff to do. She's here all week. I though I would
15 give you a shot tonight. I told you circumstances are
16 different tomorrow.

17 [REDACTED] Okay. Go see your friend.

18 "BENDANN: Okay. I'll see you tomorrow naked then.
19 Goodnight. That was your shot.

20 [REDACTED] Just go see your friend.

21 "BENDANN: I'm going to see my friend which by the
22 way. You are not anymore. So yah again I hope this
23 was worth it to you. I'll see you naked tomorrow or
24 you can talk to Riley. I don't really give a shit
25 which you choose. You know what fuck it. I'll see

1 you later tonight. I'm coming over after I leave my
2 friend.

3 [REDACTED] What? That's absurd.

4 **"BENDANN:** Yeah, I don't give you fuck. You chose
5 wrong and then tried to ignore. So if you want to try
6 that I'll see you at your house.

7 [REDACTED] I didn't try to ignore, you told me to figure
8 it out.

9 **"BENDANN:** No you've been on Snapchat and didn't
10 respond.

11 [REDACTED] Well after you said everything above that's.
12 not giving me a good reason to respond on Snapchat.

13 **"BENDANN:** Yeah, cool. See you later tonight then.

14 [REDACTED] Like no. I have a sister here. Not sure
15 what your plan is cause I'm going to bed in like 30
16 minutes.

17 **"BENDANN:** Yeah, I'll come wake you up. Ok, cool.
18 See you in a little or you can send the old pics.
19 Cool. Cool. Good response. Definitely see you soon
20 then.

21 [REDACTED] I can't tonight. I can get lunch tomorrow.
22 I'm putting down my phone and going to bed. Good
23 night.

24 **"BENDANN:** Ok, see you soon. About to head over.

25 Mouse. About to arrive. Here. I'm out front and all

1 your lights are on. A0. I'm just going to leave my
2 location at your house on snap.

3 [REDACTED] You have until 12 noon tomorrow to apologize
4 to me for the five years you forced me to do things
5 that I did not want to do and the trauma that you
6 caused me to have because of that. If I do not have
7 an apology by then I am going to cut off all
8 communications. If I receive an apology then I will
9 consider having you be a part of my life.

10 "BENDANN: Cut me off. I'm going public. It's that
11 simple. Ok. We're done. Bye. Congrats. You got
12 your wish. Keep my blocked. See what happens. So
13 you're doing this. I'm ready if you are. Ok. Guess
14 I'll keep explaining unless you want to.

15 [REDACTED] All you have to do is agree to a simple
16 fucking lunch tomorrow and our lives won't be ruined.
17 Agree to it now and it's done.

18 "BENDANN: I'm telling James tomorrow.

19 [REDACTED] Think about it long and hard. It's one
20 fucking lunch.

21 "BENDANN: We can fucking do lunch. But you need to
22 realize you fucked up shit. OW. Now, we weren't
23 going to be fucking friends. You started shit
24 however long ago and Riley has you thinking it's all
25 me. I'm going down, but you are too. So fuck it all.

1 Here you go with this bullshit again.

2 I didn't do shit. You sexually touched a
3 16-year-old kid and then a year went by and you began
4 to threaten me to do all these things because you
5 didn't want to lose me as your friend. It's time for
6 you to fucking wake up and realize that. You forced
7 several of my friends to get naked. I have every kid
8 on my side because they have seen you do this stuff to
9 others. You forget I have an iPad too. Every single
10 threat you have sent on snap text I have taken a
11 picture. Every time you have said "you have to look
12 happy" or "you have to say something." When you force
13 me to send naked pictures and videos, I have pictures
14 of those. You say that I took advantage of you for a
15 little, but you played that card for four years and
16 threatened me so much for four years. I was an idiot
17 that never told anyone about it. Before London I
18 finally felt okay to try to be friends, but you will
19 never be okay with whatever friends we could be. You
20 are a sick person that should be lucky that I haven't
21 gone to the police. I have told you so many times I
22 want to try to be your friend but you always try to
23 ducking fight it. So yah, I'm close to my ducking
24 tipping point. If you want me to go away from that
25 then you should try your hardest not to fucking flip

1 shit on me every second of every day and stop
2 threatening me to get naked.

3 **"BENDANN:** Hahahahaha, you think that's what you've
4 got. Sure. But I have all the videos of you telling
5 me to touch you and blow you. You forget that you
6 started this shit before I ever made you do anything.
7 You told me to do shut. But good luck. Also, you
8 think I give a fuck about what happens to me. You
9 should know the minute this goes public I'm gone and
10 you can fucking deal with the clean up. I was fucking
11 set to start over before London but you fucked shit
12 with your Riley of the year. Funny how you always
13 want a Riley. This is on you.

14 **"T.F.:** It's all fun and games until you realize I
15 was 16 in those videos.

16 **"BENDANN:** Cool."

17 **MS. HAGAN:** Thank you, Your Honor. Your Honor, may we
18 retrieve the binders from the jury at this time for Government
19 Exhibit 222?

20 **THE COURT:** Retrieve the binders.

21 May the readers be excused?

22 **MS. HAGAN:** Your Honor, actually there's the one
23 additional brief exhibit if I could just pull up Government's
24 Exhibit 223 first so I can have Agent Walker identify it. And
25 I'll just do part of this exhibit, Your Honor.

1 **BY MS. HAGAN:**

2 **Q.** Agent Walker, do you recognize at least the top sheet of
3 Government Exhibit 223?

4 **A.** Yes, I do.

5 **Q.** What do you recognize that had to be?

6 **A.** The chat between James Schloeder, [REDACTED] and
7 Christopher Bendann.

8 **Q.** And is Government Exhibit 223 a shorter version selected
9 chats from the larger version which is Government Exhibit 211?

10 **A.** That's correct.

11 **MS. HAGAN:** Your Honor, at this time if we could pass
12 out the smaller set of binders. These are the binders that are
13 labeled "Transcripts" and this is behind tab 7.

14 **THE COURT:** Is this the same binder that was used
15 yesterday?

16 **MS. HAGAN:** Yes, tab 7.

17 **THE COURT:** Pass them out.

18 Ladies and gentlemen, open to tab 7.

19 **MS. HAGAN:** Your Honor, for this particular exhibit,
20 Government Exhibit 223, I'm going to ask Mr. Zelinsky to once
21 again read the messages that are attributed to Mr. Bendann and
22 have Mr. Todd read the messages attributed to [REDACTED]. And
23 I'd ask if Agent Walker could read the messages that are
24 attributed to James Schloeder. To start on what's numbered as
25 Page 22.

1 **THE COURT:** You may proceed, Mr. Zelinsky.

2 **"BENDANN:** What you guys up to? Jimmy, you seen.

3 ██████ tonight? I can't find him and was supposed to
4 tell him something?

5 **"MR. SCHLOEDER:** What the heck?

6 **"BENDANN:** It's a photo puzzle.

7 **"MR. SCHLOEDER:** No idea what that is.

8 **"BENDANN:** You gotta try to guess. I'm going to run
9 a couple. You ever play puzzle photo before? It's
10 like a bar game. They show you a part of the puzzle
11 and you guess what it is. Jimmy, you figure it out.

12 ██████ any guesses? You guys aren't guessing. You
13 guys still up? Did you guess it yet?

14 **"MR. SCHLOEDER:** I feel asleep. We had six ams.

15 **"BENDANN:** Ahh gotcha. You guys never guessed it.

16 **"MR. SCHLOEDER:** Arm.

17 **"BENDANN:** Interesting. Maybe not fully. ██████?

18 Guess? Ok, I'll send another clue. It's kinda a
19 funny picture. ██████ you gotta guess. Where are you
20 guys? You aren't even guessing. Did you go to sleep
21 early again? Jimmy, you can keep guessing cause I
22 don't think ██████ is trying to play. You guys just
23 want the full picture. It's kind of funny. Here's
24 the whole picture, LOL. So the really question is
25 what were you doing this weekend ██████ cause this is

what I was getting from you. LOL.

Well, that's no bueno.

"BENDANN: Hahaha.

Pledge shit breh.

"BENDANN: Waiting for my next round of selfies.

What you up to tonight Jimmy. Where are ya guys?

you had another busy night. Jimmy, what you up to? Jimmy, is sending you drunk pictures too.

Ok. I got a new game I'm thinking of. Have you ever played the photo booth game where it gives you like a place or animal and you have to guess it. Ok. So I'll send a part of an animal and you guys guess.

First one, you have to guess. Jimmy, , guess the animal. Guess this one too. And I got one more. What should the prize be? Jimmy, you're usually good at this. What animals are they? I'm thinking for a homeroom activity and then a prize for the most correct animals. Ok, I'll send the third animal.

Guess all three. Here's the third. Ok. First of you to get all three I'll Venmo 10. Oh shoot, I sent the same one twice. I'll send the third. Where are you guys? Jimmy? Jimmy, , guess. Where are you guys? Jimmy respond. , you can definitely name at least two of those animals. , you should recognize it and why are you snapping but

not responding in our group chat? It's kind of like the pencil picture. You gonna say it [REDACTED]? Jimmy guess.

"MR. SCHLOEDER: Coyote.

"BENDANN: For which one? Here's all three. It's not a coyote by the way. Keep guessing. You guys are the worst at this. [REDACTED] you never guessed. Jimmy is three animals and not a coyote. Where are you guys? Also [REDACTED] I feel like you haven't responded forever. You good? New animal. You guys can get this one. It should be close to home.

"MR. SCHLOEDER: Hippo.

"BENDANN: Hahaha. Could be. Although it might not Appreciate being called that. You gonna keep guessing? Where are you? Am I the only one still up? Are you guys alive? How come you guys make one guess and stop? Jimmy, it's a great picture. You're gonna love it. Any guess? Where are you guys?

[REDACTED] Practice.

"BENDANN: Yeah, I've been checking for a while but guess what it is [REDACTED]. Jimmy. Jimmy, where are you? You've been gone days. Emphasized, "Jimmy where are you, you've been gone days." Ok so now I'm annoyed. [REDACTED] you won't answer the pictures I send but then you send me pictures and expect me to guess

1 what you're doing."

2 MS. HAGAN: Thank you. You can stop there. Your
3 Honor, may we retrieve the binders back?

4 THE COURT: Yes.

5 MS. HAGAN: And readers may be excused, Your Honor.

6 THE COURT: Thank you. The readers are excused and
7 may depart.

8 Private channel.

9 (Whereupon, the following conference was held at the
10 bench:)

11 THE COURT: All right. How long until we get to the
12 final 10 minutes where we have to take the special measures?

13 MS. HAGAN: About 10 minutes, Your Honor.

14 THE COURT: We'll get there in about 10 minutes. So
15 think we'll take the break now and come back, finish the
16 segment that we're in, and then make the transition because it
17 seems like we can do that transition pretty seamlessly.

18 MS. HAGAN: Okay.

19 THE COURT: Acceptable, Ms. Hagan?

20 MS. HAGAN: Yes, Your Honor.

21 THE COURT: Defense.

22 MR. NIETO: Yes, Your Honor.

23 (Whereupon, the bench conference was concluded.)

24 THE COURT: Okay. Ms. Walker, you can step down.

25 Ladies and gentlemen, we'll take the afternoon recess. Do

1 not discuss the case with anyone. Do not discuss it among
2 yourselves. Do not allow yourselves to be discussed exposed to
3 any news articles or reports that touch upon the case or issues
4 it presents or articles or reports that relate to any of the
5 participants in the case. Avoid all contact with any of the
6 participants in the trial. Do not make any independent
7 investigation of the law or the facts of the case. Do not look
8 up anything pertaining to the case or its participants on the
9 internet. Do not consult an encyclopedia or a dictionary.

10 And we will take 15 minutes, 15 minutes.

11 **THE CLERK:** All rise for the jury.

12 (Jury exits at 3:15 p.m.)

13 **THE COURT:** Have a seat, please. All right. About
14 another 10 then we'll convert. About another ten and then
15 we're finished with the direct?

16 **MS. HAGAN:** Yes.

17 **THE COURT:** Okay. Fifteen minutes.

18 **THE CLERK:** All rise. This Honorable Court now stands
19 in recess.

20 (A recess was taken from 3:55 p.m. to 4:25 p.m.)

21 **THE COURT:** Be seated, please. Private channel.

22 (Whereupon, the following conference was held at the
23 bench:)

24 **THE COURT:** As we were breaking to take the recess,
25 the courtroom deputy clerk was approached by Juror No. 8.

1 Juror No. 8 attempted to ask a question of the courtroom
2 deputy, that process was not really completed. Instead,
3 consistent with standing instructions, the courtroom deputy
4 reported the interchange to me. It was clear enough to the
5 courtroom deputy that this was not the sort of common
6 nonsubstantive question and answer question that frequently
7 goes on between the CRD and jurors but instead was something
8 about her service. The courtroom deputy reported the matter to
9 me. I instructed the courtroom deputy to instruct the juror
10 that if she had a question she should write me a note.

11 The juror did write a note, and I have received it.

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
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20 [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED]
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21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED] [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED] [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED]

7 [REDACTED]

8 (Whereupon, the bench conference was concluded.)

9 THE CLERK: All rise. This Honorable Court is now in
10 recess.

11 (There was a break at 4:32 p.m. to 4:37 p.m.)

12 THE COURT: Be seated, please. Private channel.

13 (Whereupon, the following conference was held at the
14 bench:)

15 [REDACTED] [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] [REDACTED]

24 (Whereupon, the bench conference was concluded.)

25 [REDACTED] [REDACTED]

[illegible]

(Pause in the proceedings.)

[illegible][illegible][illegible][illegible]

1 can see the date 6/4/2022.

2 Q. Is this an exhibit that you created with the side-by-side
3 images?

4 A. That's correct.

5 Q. And just scrolling down to page 2 of 4.

6 A. This is another example. This one is dated 6/7. Again,
7 where you can see that the user was notified their account was
8 switch from private to public. And then on the right side
9 again is within the chats where it's noted on 6/7, 2022, that
10 it was going to be made public.

11 Q. And on the left-hand side under, "Thanks, the Instagram
12 Team," 1B1, does that indicate where this Instagram email was
13 recovered from?

14 A. That's correct.

15 Q. 1B1?

16 A. Yes.

17 Q. Which was the iPhone 11 of Mr. Bendann's?

18 A. Correct.

19 Q. Okay. Then on the right side, very bottom where it says
20 from [REDACTED] iPad, that's your indication of where that image
21 was recovered from?

22 A. Correct.

23 Q. And moving on to the next page. Same thing?

24 A. Yes. This is just dated 6/11/2022.

25 Q. Page 4.

1 A. Yes, just dated 6/22, 2022.

2 Q. And what is, specifically on page 4, what is the
3 notification that you're showing on the left side of page 4?

4 A. Yes. Instagram will notify you if you had a new login.
5 So for the user [REDACTED], it had a login with an Apple iPhone in
6 Syracuse, New York on June 21 at 6:35 p.m.

7 Q. And then what did you insert on the right-hand side of
8 Government's Exhibit 226, page 4?

9 A. This was a chat that was recovered in the iCloud results
10 for cbendann@gmail.com where if you read the chats on the right
11 side, you can see the Defendant Christopher Bendann is chatting
12 with Kate Meyer where he says that unfortunately he'd be in
13 upstate New York during the time frame that they're asking if
14 he could house-sit.

15 Q. Okay. Thank you.

16 Agent Walker, there were a number of photographs and/or
17 screenshots within the selected messages from Government
18 Exhibit 222 that were read before the jury.

19 Did you locate those same images on certain devices
20 belonging to Mr. Bendann?

21 A. Yes.

22 Q. I'm going to show you Government Exhibit 240.

23 Do you recognize Government Exhibit 240?

24 A. Yes.

25 Q. What is that?

1 A. This is the screen capture of ████████████████████ and his
2 girlfriend.

3 Q. Where was this image located?

4 A. In the Defendant's iCloud account in the expunged folder.

5 Q. Government's Exhibit 241.

6 A. This is a screen capture of ████████████████████ and his
7 girlfriend at the Yankees game.

8 Q. Where was this image recovered?

9 A. From the Defendant's iCloud in the expunged folder.

10 Q. Government's Exhibit 248.

11 A. This is a screen capture of a Twitter account.

12 Q. And is this screen capture among the images that's
13 contained in Government Exhibit 222, the messages from May to
14 December of 2022?

15 A. That's correct.

16 Q. Where was this image located?

17 A. In the Defendant's iCloud account in the expunged folder.

18 Q. How about Government Exhibit 249?

19 A. Yes. Again, this is a screenshot of a Twitter account
20 straightbait69 that was in the chats.

21 Q. Where was this image located?

22 A. In the Defendant's iCloud account in the expunged folder.

23 Q. Showing you Government's Exhibit 250.

24 What is Government's Exhibit 250?

25 A. This was a screen capture of ████████████████████ when he got

1 accepted at his new position, and this was also found in the
2 Defendant's iCloud account in the expunged folder.

3 Q. Were there other images in the Defendant's iCloud account
4 that were not included as part of the messages that were read
5 from Government Exhibit 222 but that involved [REDACTED]?

6 A. Yes.

7 Q. I'm showing you Government's Exhibit 243.

8 Can you tell us what Government's Exhibit 243 is and where
9 it was located?

10 A. Yep. This is a photo of the learner's permit of [REDACTED]
11 [REDACTED] and this was found just in the iCloud account.

12 Q. And Government's Exhibit 227.

13 What is 227?

14 A. We did -- we got the subscriber information for the
15 Snapchat account belonging to ckbend.

16 Q. And was that the Snapchat account believed to be used by
17 Mr. Bendann?

18 A. That is correct.

19 Q. And is this capturing the subscriber information that you
20 received back from Snapchat?

21 A. Yes.

22 Q. What is the phone number associated with this account?

23 A. (410)960-9562.

24 Q. Is that the same phone number that you previously
25 testified that was described to in the name of David Bendann?

1 A. That's correct.

2 Q. Showing you Government Exhibit 239.

3 What's 239?

4 A. This is a screenshot of Snapchat, how they previously
5 talked about how you can see your locations. And this is the
6 location of the Defendant and [REDACTED].

7 Q. And where was this image located?

8 A. In the Defendant's iCloud account in the expunged folder.

9 Q. And Exhibit 242.

10 A. This is a screen capture of [REDACTED] location when
11 he was in New York City.

12 Q. And where was it recovered?

13 A. The Defendant's iCloud account in the expunged folder.

14 Q. If I can briefly take you back to Government's
15 Exhibit 227, I apologize, the subscriber information.

16 What was the date, activation date of this particular
17 Snapchat account?

18 A. The deactivation date?

19 Q. Yes.

20 A. Friday, January 20 at 17:20:55 UTC.

21 Q. Showing you Government's Exhibit 244.

22 Can you tell us what Government's Exhibit 244 is.

23 A. Yes. This is a screenshot, again, of the location of
24 Wallace Halpert and [REDACTED] and this is when they were
25 in London.

1 Q. And where was this image located?

2 A. In the Defendant's iCloud account in the expunged folder.

3 Q. Exhibit 245. What is this exhibit?

4 A. This is a screen capture of, again, location of Wallace
5 Halpert and ████████████████ and this was also when they were in
6 London.

7 Q. And where was this image recovered?

8 A. This was recovered in the Defendant's iCloud account in
9 the expunged folder.

10 Q. Showing you Government's Exhibit 246.

11 A. This is a screen capture of the location through an iPhone
12 for the location of ████████████████.

13 Q. And where was this image recovered?

14 A. This was all found in the Defendant's iCloud account in
15 the expunged folder.

16 Q. Exhibit 247.

17 A. That is a screenshot, again, of the location of ████████
18 ████████.

19 Q. And where was this image recovered?

20 A. This was recovered in the Defendant's iCloud account in
21 the expunged folder.

22 Q. And this is an iPhone location?

23 A. Correct.

24 Q. Where is it showing ████████████████?

25 A. In Maine.

1 Q. Showing you Government's Exhibit 251.

2 What is this exhibit?

3 A. This is another screenshot of an iPhone location for
4 ████████████████████ .

5 Q. I'm showing you Government's Exhibit 224.

6 Do you recognize just looking at the first page of
7 Government's Exhibit 224, what is this document?

8 A. This is messages between ████████████████████ and the Defendant.

9 Q. And what dates are covered in these messages?

10 A. Some from 2019 through 2023.

11 Q. And which of the Defendant's email account is associated
12 with these messages?

13 A. Cbendann@gmail.com.

14 Q. I'm going to direct your attention to page 13 of
15 Government's Exhibit 224. And I'm going to direct your
16 attention to the last message.

17 What is the date of this last message?

18 A. 1/17/2023.

19 Q. Who is the sender of the message?

20 A. Cbendann@gmail.com.

21 Q. And who is the message sent to?

22 A. ████████████████████ .

23 Q. And what, if anything, had occurred around this time at
24 the Gilman School?

25 A. The day prior the Defendant had been suspended from

1 Gilman.

2 Q. And what does this message say from Mr. Bendann to [REDACTED]
3 [REDACTED]?

4 A. [REDACTED], we got a problem.

5 Q. Lastly, Agent Walker, I just want to go back and touch
6 upon two dates in particular from Government's Exhibit 222,
7 which were the selected chats.

8 Specifically, on June 7th, 2022, do you recall the series
9 of messages between Mr. Bendann and [REDACTED] on that
10 particular date?

11 A. Yes, I do.

12 Q. And do you previously recall testifying that there were
13 videos that were recovered from Mr. Bendann's iCloud account
14 involving [REDACTED] on June 7th, 2022?

15 A. Yes.

16 Q. I'm going to ask you first about Government Exhibit 230
17 and Government Exhibit 231.

18 Are both Government Exhibit 30 [sic] and Government
19 Exhibit 231 the same video?

20 A. Yes, they are.

21 Q. June 7, 2022?

22 A. That's correct.

23 Q. What is the difference between Government Exhibit 230 and
24 231?

25 A. One is the full length of the video, and then the second

1 is a trimmed version of the same video.

2 Q. And would Government Exhibit 230 be the full length of the
3 video?

4 A. Yes.

5 Q. And Government Exhibit 231 is a trimmed version?

6 A. Correct.

7 Q. What do you mean by trimmed version?

8 A. It's just shortened. We took parts out.

9 Q. And approximately how long is the trimmed version,

10 Government Exhibit 231, if you recall?

11 A. Approximately three minutes and 50 seconds.

12 Q. And can you remind us from where this video was recovered?

13 A. Yes, this was in the iCloud account.

14 Q. According to the EXIF data, what date was this video
15 created?

16 A. 6/7/2023.

17 Q. Can you briefly describe what this video shows? I'm just
18 going to play a portion, but if you could just give us a little
19 bit of a summary of what the video depicts?

20 A. Sure. [REDACTED] is naked sitting on a couch in an
21 outdoor patio, and he's being asked questions about his summer
22 plans.

23 Q. Your Honor, at this time I would ask to publish a portion
24 of Government Exhibit 231.

25 THE COURT: Private channel.

1 (Whereupon, the following conference was held at the
2 bench:)

3 THE COURT: Is this with the especial measures in
4 place?

5 MS. HAGAN: Your honor.

6 THE COURT: And are they set up and operating? Thank
7 you.

8 (Whereupon, the bench conference was concluded.)

9 THE COURT: You may publish the exhibit.

10 BY MS. HAGAN:

11 Q. If I could clarify, Agent Walker, did you see June 7,
12 2023?

13 A. I'm sorry, yeah, '22.

14 Q. June 7, 2022, okay, consistent with the messages that were
15 observed in Exhibit 222?

16 A. Yes, my apologies. Thank you.

17 Q. Agent Corn, if you could play Government Exhibit 231,
18 please.

19 (Video playing.)

20 MS. HAGAN: Thank you, Agent Corn.

21 BY MS. HAGAN:

22 Q. Agent Walker, directing your attention to Government
23 Exhibit 232 and 233. Are those both of the same video and one
24 that is also dated June 7, 2022?

25 A. That's correct.

1 Q. Can you tell us what the difference is between Government
2 Exhibit 232 and 233?

3 A. Yes. One is the full length, which is 55 seconds; and the
4 second is, again, a trimmed version of the same video that is
5 approximately 30 seconds.

6 Q. And is the trimmed video Government Exhibit 233?

7 A. Yes.

8 Q. From where was this video recovered?

9 A. The Defendant's iCloud account.

10 Q. And the EXIF data has the creation date of June 7, 2022?

11 A. That's correct.

12 Q. Can you briefly explain what happens in Government
13 Exhibit 233 in the video?

14 A. In this video [REDACTED] is naked laying on a bed
15 masturbating and being told instructions by the person filming.

16 MS. HAGAN: At this time, Your Honor, I would ask if
17 Agent Corn could please publish a portion of Government
18 Exhibit 233.

19 THE COURT: Yes.

20 (Video playing.)

21 BY MS. HAGAN:

22 Q. Do you recognize the voice in the video that was just
23 played, Government's Exhibit 233.

24 A. Yes, I do.

25 Q. Whose voice is that?

1 A. The Defendant Christopher Bendann.

2 Q. Similarly, did you hear the voice in Government
3 Exhibit 231 when that was played?

4 A. Yes.

5 Q. And whose voice was that?

6 A. Also the Defendant, Christopher Bendann.

7 Q. Additionally, in addition to June 7, 2022, I'm going to
8 direct your attention to the date of June 14, 2022.

9 Do you recall in the selected chats, Exhibit 222, the
10 series of messages between Mr. Bendann and [REDACTED] on
11 June 14th, 2022?

12 A. Yes.

13 Q. Specifically directing your attention to Government
14 Exhibit 234.

15 Can you tell us what is contained on Government
16 Exhibit 234, or what it is?

17 A. This is another video that was found in the iCloud
18 account.

19 Q. Of Mr. Bendann?

20 A. Yes. And this video you can see [REDACTED] get out of
21 a vehicle naked, and then receive instructions from the person
22 filming.

23 Q. And do you recognize the voice of the person giving
24 instructions?

25 A. Yes. It's Christopher Bendann.

1 Q. And the EXIF data shows a creation date of what for
2 Exhibit 234?

3 A. 6/14/2022.

4 MS. HAGAN: Your Honor, at this time I would ask if
5 Agent Corn could publish Government Exhibit 234?

6 THE COURT: Yes.

7 (Video playing.)

8 BY MS. HAGAN:

9 Q. Directing your attention, Agent Walker, to Government
10 Exhibits 235 and 236. Are both of those exhibits of the same
11 video?

12 A. That's correct.

13 Q. And is that another video from -- that's dated June 14th,
14 2022?

15 A. That's correct.

16 Q. Can you please explain the difference between Exhibits 235
17 and 236?

18 A. Yes. They're the same video but one is the full length of
19 the video; and the second is, again, a trimmed version of the
20 same video.

21 Q. Approximately how long is the trimmed version Government
22 Exhibit 236?

23 A. Approximately one minute and 35 seconds.

24 Q. And from where was this video recovered?

25 A. The Defendant's iCloud account.

1 Q. And when you say iCloud account, was it found in the
2 expunged folder?

3 A. That's correct.

4 Q. And for the prior videos, when you've indicated they were
5 found in the iCloud account, were they found in the expunged
6 folder of the iCloud account?

7 A. Yes, that's correct.

8 Q. Can you describe what is contained on Government
9 Exhibit 236. What the video shows?

10 A. Sure. You can see [REDACTED] walking naked into a
11 house going up to the second floor to the bathroom. And you
12 can hear the person filming talking to him as he's walking.

13 Q. Do you recognize the voice of that person?

14 A. I do.

15 Q. Who do you recognize it as?

16 A. Christopher Bendann.

17 MS. HAGAN: Your Honor, I would ask permission to
18 publish Exhibit 236?

19 THE COURT: Yes.

20 MS. HAGAN: Or a portion of it.

21 (Video playing.)

22 BY MS. HAGAN:

23 Q. And you recognize that voice as Mr. Bendann's?

24 A. Yes.

25 Q. Agent Walker, do you recognize the residence that was

1 depicted in Government Exhibit 236?

2 A. Yes, it's the McCrickards.

3 Q. Who are the McCrickards?

4 A. That is a family that Bendann would house-sit for.

5 Q. Regarding Government Exhibit 237 and 237A, are both of
6 those of the same video?

7 A. Yes.

8 Q. Can you explain the difference between the videos depicted
9 in 237 and 237A?

10 A. They're the same length. And these ones, the first one,
11 is the full length of -- is 21 seconds and the second one is
12 also 21 seconds but redacted we redacted a part of the victim's
13 body.

14 Q. And is this video also dated June 14th, 2022?

15 A. That's correct.

16 Q. Where was it recovered?

17 A. From the Defendant's iCloud account in the expunged
18 folder.

19 Q. And when you say part of the victim's body was redacted,
20 what part has been redacted?

21 A. The genital area.

22 Q. And can you tell us what the video shows?

23 A. Sure. The video shows [REDACTED] naked in a bed
24 masturbating, and he asks the person filming to stop filming.

25 Q. And does the other person speak?

1 A. Yes.

2 Q. And do you recognize the voice?

3 A. Yes, it's Christopher Bendann.

4 MS. HAGAN: I'd ask to publish, Your Honor,
5 Government's Exhibit 237A.

6 THE COURT: Yes.

7 (Video playing.)

8 BY MS. HAGAN:

9 Q. Lastly, Agent Walker, directing your attention to
10 Government's Exhibit 238 and 238A.

11 Are those both of the same video?

12 A. Yes.

13 Q. And can you tell us what the difference is?

14 A. Again, the first video is the full length of the video
15 which is approximately one minute and 44 seconds. And the
16 second video part way through we redacted, again, putting a
17 black box over the genital area of the victim.

18 Q. What does the EXIF data show as the creation date of this
19 video?

20 A. 8/17/2022?

21 Q. And where was it located?

22 A. In the Defendant's iCloud account in the expunged folder.

23 Q. What does this video depict?

24 A. Yes. This video shows Christopher Bendann clothed, [REDACTED]
25 [REDACTED] is naked, and the Defendant moves towards [REDACTED]

1 ■■■■■■ and puts his arms around him to dance with him.

2 **MS. HAGAN:** Your Honor, I would just ask if we could
3 have Agent Corn publish the first few seconds of Government
4 Exhibit 238A.

5 **THE COURT:** Yes.

6 (Video playing.)

7 **BY MS. HAGAN:**

8 **Q.** Is there a later part of that video, Agent Walker, where
9 the redaction appears? We just didn't show it here?

10 **A.** Correct.

11 **Q.** Okay. Thank you.

12 **MS. HAGAN:** Your Honor, I believe those are all of the
13 questions that I have for Agent Walker. If I could just
14 confirm that the videos that were not published, the full
15 versions, are also admitted. That would be 230, 232, 235, 237
16 and 238.

17 **THE COURT:** They've all been referred to without
18 objection so . . .

19 **MR. NIETO:** Yes, Your Honor.

20 **THE COURT:** They're all in.

21 **MS. HAGAN:** Thank you, Your Honor. Those are all of
22 the questions I have.

23 **THE COURT:** Cross-examination.

24 **CROSS-EXAMINATION**

25 **BY MR. NIETO:**

1 Q. Special Agent Walker, Government Exhibit 222, that was the
2 large text thread if you recall, right?

3 A. Correct.

4 Q. Okay. Now, we had two colleagues read sections of that
5 text conversation. You remember that, right?

6 A. I do.

7 Q. Okay. And obviously, as they were reading along, each
8 text was not necessarily, like, immediately in response to the
9 one that preceded it, right?

10 A. Yeah, at times there was selections that were taken out,
11 yes.

12 Q. Right. In addition to taking out sections of the text
13 conversation, again, as they were reading the text, sometime 20
14 minutes or an hour or two hours may go by in between those
15 texts; is that true?

16 A. True.

17 Q. Right. Of course that wasn't fully captured in the manner
18 in which they read them. There was no demarcation between
19 different dates in their text messages, were there?

20 A. You could see the dates and times of their text messaging.

21 Q. You could see it, I know, but I'm talking about in their
22 reading presentation. There was no demarcation to indicate
23 where the next day turned into another one, right?

24 A. No.

25 Q. So in those texts that we had reviewed, again, you had

1 indicated there are portions of the text conversation that were
2 removed, right?

3 A. Correct.

4 Q. And so specifically -- Court's indulgence.
5 Court's indulgence?

6 THE COURT: Yes.

7 BY MR. NIETO:

8 Q. All right. Well, in relation to the text conversation, do
9 you remember the portion in which [REDACTED] says, "It's all
10 fun and games until you realize I was 16 in those videos."

11 Do you remember that text?

12 A. I do.

13 Q. Right. And then in the presentation that was provided,
14 the following text by Mr. Bendann says, "Cool."

15 Right?

16 A. Correct.

17 Q. And then there's a large swath of space. And then we
18 segue into another text from Mr. Bendann, correct?

19 A. Correct.

20 Q. But there were a variety of texts that were moved in
21 between those two portions, weren't they?

22 A. Yes.

23 Q. More information, more text from Mr. Bendann in response
24 to that message from [REDACTED]?

25 A. It could have been both of them. We didn't just remove

1 Mr. Bendann's.

2 Q. Right. And he says, again, it's not included here, but he
3 says, "You pressured me to do that for years and I only caved
4 when you were 18."

5 Do you remember him saying that?

6 A. I'd have to see the chat.

7 Q. Ma'am, you reviewed this chat, did you not?

8 A. I did.

9 Q. This particular portion has significance, right? Because
10 it has nothing to do with cyberstalking but it has to do with
11 identifying his age in those videos, right?

12 A. Right.

13 Q. Right. And so you only included one text immediately from
14 Mr. Bendann, but you don't include the subsequent text in that
15 presentation, right?

16 A. Not in the selected chats, no.

17 Q. Right. So, again, Mr. Bendann says, "You pressured me to
18 do that for years and I only caved when you were 18."

19 Do you remember that?

20 A. From what you just said, yes.

21 Q. Thank you.

22 MR. NIETO: Nothing further.

23 THE COURT: Redirect.

24 REDIRECT EXAMINATION

25 BY MS. HAGAN:

1 Q. Agent Walker, is the full chat series introduced into
2 evidence for the jury to review?

3 A. Yes, it is.

4 MS. HAGAN: Thank you.

5 THE COURT: Any more questions?

6 MS. HAGAN: No, Your Honor.

7 THE COURT: Now is she excused as a witness in this
8 case?

9 MS. HAGAN: Yes, Your Honor.

10 THE COURT: May she be excused, Mr. Nieto?

11 MR. NIETO: Yes.

12 THE COURT: Thank you.

13 Private channel.

14 (Whereupon, the following conference was held at the
15 bench:)

16 THE COURT: Does the Government have additional
17 evidence, or do you now wish to rest?

18 MS. MCGUINN: The Government wishes to rest, Your
19 Honor.

20 THE COURT: Okay. So I propose that we have you rest
21 before the jury, that I then excuse the jury with directions to
22 return at 9:30 tomorrow morning. And then we'll take up other
23 matters that should be addressed with them out of the
24 courtroom.

25 Is that acceptable to the Government?

1 MS. MCGUINN: Yes, Your Honor.

2 THE COURT: Acceptable to the Defendant?

3 MR. NIETO: Yes, Your Honor.

4 THE COURT: Thank you.

5 (Whereupon, the bench conference was concluded.)

6 THE COURT: Does the Government have any additional
7 evidence, Ms. McGuinn?

8 MS. MCGUINN: No, Your Honor.

9 The Government rests.

10 THE COURT: The Government rests their case. Very
11 well.

12 Ladies and gentlemen, the Government rests their case.
13 They will not be presenting further evidence to you in what we
14 call their case-in-chief, but the trial has not yet concluded.
15 We have other phases of the case still to occur.

16 But it is 5:15, so we will stop for today with directions
17 for you to return promptly at 9:30 tomorrow morning. And we
18 will continue with those additional portions of the trial at
19 that time.

20 Overnight, do not discuss the case with anyone. Do not
21 discuss it with your fellow jurors. Do not discuss it with any
22 of your friends or family. Do not allow yourselves to be
23 exposed to any news articles or reports that touch upon the
24 case or the issues it presents and the participants in the
25 trial. Avoid all contact of any kind with the participants in

1 the trial. Do not make any independent investigation of the
2 law or the facts of the case. Do not conduct internet searches
3 with respect to the issues presented or the persons
4 participating in the trial. Do not consult external sources
5 such as encyclopedias or dictionaries in reference to the
6 issues and terms that have been presented to you here.

7 You are excused until 9:30 tomorrow morning. Take the
8 jury out.

9 (Jury exits at 5:15 p.m.)

10 **THE COURT:** Be seated, please. Previously, the court
11 received a communication from Juror No. 8. I shared that
12 in-camera with counsel. After sharing that, the Defendant
13 moved for Juror No. 8 to be excused. I denied that request and
14 directed that she would remain on the jury. Upon reflection,
15 I've decided to change my ruling. Juror No. 8 is excused on
16 the Defendant's motion. Alternate 1 will now become Juror No.
17 8.

18 The courtroom deputy will be instructed to contact Juror
19 No. 8 by telephone later today, not now, to advise her that she
20 need not return tomorrow. When we commence court tomorrow,
21 Juror Alternate No. 1 will be advised that she'll be seated now
22 as Juror No. 8.

23 Motion from the Defendant?

24 **MR. PROCTOR:** Your Honor, we would make a motion as to
25 all counts under Rule 29 for a judgment of acquittal. We have

1 no argument to present. We would just formalize the motion.

2 **THE COURT:** Thank you. The motion is denied. I find
3 that there is sufficient evidence in this record, taken in the
4 light most favorable to the Government, to support each of the
5 nine counts returned by the grand jury. The motion is denied.

6 Mr. Bendann and Counsel, please rise.

7 Mr. Bendann, you have the absolute right to testify during
8 your trial. You also have the absolute right to decline to
9 testify. The choice is entirely up to you. If you do not
10 testify, the jury will be instructed that you are not required
11 to testify, and that they may not draw any adverse inference
12 against you from your decision not to testify.

13 If you do decide to testify then you will be subject to
14 cross-examination by the Government. I have no knowledge of
15 your having any prior convictions for any sort of offense, but
16 I'm required to advise you that that cross-examination may
17 include impeachment by proof of any prior felony conviction or
18 conviction for a crime involving fraud or dishonesty.

19 Mr. Bendann, do you understand your rights with respect to
20 testifying or not testifying?

21 **THE DEFENDANT:** Yes, I do. Thank you, Your Honor.

22 **THE COURT:** Do you need any further time to discuss
23 with your lawyers whether you're going to testify or not
24 testify?

25 **THE DEFENDANT:** Your Honor, I've been advised to say I

1 will sleep on it and let you know in the morning if that is
2 acceptable.

3 **THE COURT:** Yes. That is acceptable. You may be
4 seated.

5 Counsel for the Defendant, are you in a position to tell
6 me anything about your defense? How long it will take? How
7 many witness and say so forth? I emphasize you're not required
8 to say a thing, but if it would not prejudice your client and
9 you otherwise elect to advise the court where you stand in that
10 regard, please do so. But feel no compulsion or pressure to do
11 so.

12 **MR. NIETO:** No, it's fine, Your Honor.
13 Notwithstanding Mr. Bendann's decision, there would be no
14 additional witnesses other than him.

15 **THE COURT:** Okay. So Mr. Bendann may testify or may
16 not testify. We'll learn about that in the morning. But
17 otherwise, you do not have other witnesses or evidence?

18 **MR. NIETO:** Correct, Your Honor.

19 **THE COURT:** Okay. Very good. And that's for planning
20 purposes only. Should your strategy change over night, you're
21 of course free to alter that course, and you are free to change
22 direction, change strategy right up until the moment when the
23 defense rests. And I know you understand that.

24 Okay. Then I think the next matter is a Rule 30
25 conference on instructions which I would propose that we hold

1 in chambers immediately after we adjourn for the evening with
2 the hope that the court reporter will be able to join us so
3 that we might make a record on that. But if that's
4 complicated, we can postpone making a record.

5 **THE COURT REPORTER:** Yes, I can do it.

6 **THE COURT:** Okay. Looks likes the reporter is on
7 board as always. I'll seen everyone in chambers in 10 minutes,
8 including the court reporter. This is an in-camera proceeding
9 at which the Defendant will not be in attendance nor will the
10 Government's agents nor obviously will the public.

11 We're adjourned.

12 **THE CLERK:** All rise. This Honorable Court now stands
13 adjourned.

14 (Court adjourned at 5:20 p.m.)
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CERTIFICATE OF OFFICIAL REPORTER

I, Ronda J. Thomas, Registered Merit Reporter, Certified Realtime Reporter, in and for the United States District Court for the District of Maryland, do hereby certify, pursuant to 28 U.S.C. § 753, that the foregoing is a true and correct transcript of the stenographically-reported proceedings held in the above-entitled matter and the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 17th day of February 2025.

Ronda J. Thomas

Ronda J. Thomas, RMR, CRR
Federal Official Reporter

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176/19 176/22	SCHLOEDER: [6]	179/20 180/6	236/3 239/12	225/16 227/4
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178/3 178/6	204/14 204/16	180/16 180/19	MR. PROCTOR:	230/4 231/2
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178/16 178/20	"T.F. : [188]	181/6 181/13	17/4 24/17	235/4 235/6
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